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FRENCH AND ENGLISH IN NORTHERN CHINA.

WE are happy to think that Lord ELGIN runs no risk of being impeached, and that Admiral SEYMOUR is quite safe from the fate of Admiral BYNG. So far from being "ashamed of his nationality," Tomkins, the Englishman in foreign parts, may boldly write himself *Anglais* and *Rentier* in the travellers' book of every inn on this side Switzerland. So far from "blushing to name the land of his birth," he may go to Cherbourg itself, and proclaim to the very waiters that if they don't look sharp about that go of brandy, he'll be d—d if he don't write to the *Times*.

For, not only have the English forces not disgraced themselves in the Pei-ho, but they have out-spied and out-done the French. Our distinguished contemporary, whose remarks on the dishonour of England in Northern China have literally achieved a European reputation, was perhaps justified in lamenting a few days since that anonymous writers have no posterity. Certainly, if the credit of journalism is ever to equal its influence, the events criticised ought to be separated by a tolerably wide interval from the time at which the judgment of mankind is made up. It is not convenient to be brought to book too soon, and a period at least equal to a Parliamentary session ought to elapse before one's judicial sentences are overhauled in the appeal court of facts. There is perhaps an excess of courage in our contemporary's congratulating himself on the sagacity of the course he has followed in regard to India. Critics with long memories, on reading the elaborate compliments to the East India Company in the Report of the Transport Committee, may happen to recollect that the *Times* commenced its attacks on the Company with the charge that its "antiquated traditions" had caused the official delays which impeded the conveyance of troops to India. It is even possible that a sceptical mind, on examining the Third India Bill, might doubt whether this old-new system of double government was exactly the arrangement advocated by the partisan of the scheme of Lord PALMERSTON, and by the eulogist of the project prepared by the Manchester Chamber of Commerce. One may presume too much on the oblivion produced in the mind of the newspaper reader by the lapse of a few months; and surely, then, it is something like foolhardiness to offer one of those condemnations of England by Englishmen which echo through Europe, when there is a chance of its being falsified in less than a fortnight. On the strength of advices which left the Gulf of Pee-chele when two English despatch-boats were attempting to cross the bar of the Pei-ho, our contemporary sat in sack-cloth, and insisted that the sun of England had set. Those miserable despatch-boats, it told us, were exactly the craft not wanted for the service. They could not get into the river, and, if they did, they would be useless. On the other hand, the French had cleverly brought the very light vessels which were wanted. They were in the river where we should never be, and Admiral GÉNOUILLY, at present politely sarcastic at our failure, would be off to Peking in a trice. The French would reap the glory, but, as for us—*Toujours trop tard!*

Knowing nothing of the matter beyond what we read in our contemporary's columns, but having somewhat more faith in English statesmen and English sailors, we suggested that the despatch-boats had probably been deliberately selected by all parties as best fitted for the undertaking. And such, we are amused to find, was the exact truth. The *Nimrod* and *Cormorant*, which are properly described in the correspondence of the *Times* as "despatch gun-boats"—they are really, we believe, gun-boats less clumsy than the ordinary sort—not only got safely into the river, but actually did all the work. The *Cormorant* took the northern forts, and

the *Nimrod* the southern, and nearly single-handed silenced the Chinese fire. Nearly single-handed, we say, for now comes the absurdest part of the story. It was not the English but the French who came up *trop tard*. Captain SAUMAREZ of the *Cormorant*, "before his French supports had got into position, had nearly succeeded in silencing the fire" of the northern forts. The *Nimrod*, "whose movements had been somewhat thrown out by the French gun-boats not coming up to time, received the concentrated fire of the southern forts." And a second correspondent, not even alluding to the French, describes the whole affair as carried through by DEW and SAUMAREZ, the captains of the two despatch-boats. So much for our contemporary's opinion of the craft which, when the last mail left, were present in the Gulf of Pee-chele. He went on, it will be recollected, to insinuate that Lord ELGIN, in his despair, had sent for more gun-boats, but instead of asking for light vessels like the *Slaney*, had singled out gun-boats so heavy that they could not possibly get up the river. The indirect commentary of the *Times's* Correspondent on this assertion is particularly amusing. Nothing is said as to the defects of the English boats, but we find the following sentence:—"It is doubted whether the French gun-boats are of sufficiently light draught to proceed far up the Pei-ho!"

The *Journal des Débats*, which, like every Continental newspaper, copied into its columns the *Times's* article of Monday week, hailed it with the ecstatic exclamation, "Happy the people whose journalists dare to tell it 'truths like these!'" Without stopping to inquire whether the *Débats* will felicitate the people whose journalists fasten on it conjectural mistakes and hypothetical miscarriages, let us say that we shall appreciate its congratulations better when it practises a little of what it preaches. The fervour of admiration which the plain-speaking of English newspapers excites in foreign communities is quite wonderful, especially when our self-abasement involves a tribute to their own glory. The *Journal des Débats*, though it envies England the possession of her frank-spoken press, did not forget to remind its readers that the French had avoided all the blunders of the English, and would probably have all the distinction of reducing the forts on the Pei-ho. A month, too, has scarcely passed since, on the strength of information from a slightly mendacious correspondent, this very journal tried to appropriate to some French marines the entire credit of the capture of Canton. Precisely analogous to this is the process by which we have been robbed of the share of glory which belonged to us in respect of those operations in the Crimea which calumny itself cannot describe as marred by Red-tape and Routine. Frenchmen managed to overcome the chorus of admiration which was called up by our advance at the Alma, with calumnious whispers which have at last swollen into the cry of *Toujours trop tard*; and a French critic has quite recently undertaken to prove the rather arduous thesis, that his countrymen won the battle of Inkermann. The plan, in short, which our neighbours systematically follow, is first to make the very most of their own achievements; and next, in joint operations, to steal the honour of their ally's. This mode of making a name is foreign of course to English honesty and veracity; but why incur the moral guilt it involves, without getting the profit it brings, by dishonestly and unveraciously discrediting the exploits which entitle us to genuine praise? We behave like a man who, for the sake of bearing out an assertion that he is a bad whist-player, should purposely hold his tongue when he sees his adversary cheating. Nay, sometimes, by way of making the demonstration of our incapacity perfectly clear, we take the line adopted by the *Times* in its commentary on these Chinese operations, and deliberately perpetrate a revoke.

PARLIAMENTARY GOVERNMENT AND OFFICIAL RESPONSIBILITY.

IN the very height of the Palmerstonian *furor* we ventured to question the policy of the Whig journals in throwing overboard their traditional principles in order to shout in the train of a triumphal car. We were not surprised that our warnings were then unheeded, nor could we even have expected that experience should enforce so soon our unpalatable lesson. The return of the Liberals to their senses presents a picture worthy of the pencil of WILKIE. First, we have the truant *Examiner* skulking back to school in all the embarrassment of self-conscious guilt. Of course, it was all "the other boy," and the fault is laid, with a tardy repentance, on the "bad manners" of PALMERSTON. The *Economist*, too, in its demure way, after preserving a discreet silence during the crisis of the Conspiracy Bill, has just found out the perils of "a confidential policy" in foreign affairs. We do not wish to alarm these interesting penitents by visiting too severely their past escapades, and we are willing to believe that they have arrived at a sincere though late appreciation of the scrape into which they have fallen. Perhaps, however, the most pitiable situation of all is that of the big Whig boy in the blue coat and yellow stockings. We cannot pretend to compassionate him for the mess he has made of himself. We gave him timely warning, if he would only have attended to it, of the fatal consequences which would befall the "cause for which 'HAMPTON died in the field and SIDNEY on the scaffold,'" if the great organ of "civil and religious liberty all over 'the world'" would run off with the mob in the street, shouting "PALMERSTON for ever!" We ventured to point out that it was hardly decorous for the depositary of the traditions of HORNER, MACKINTOSH, BROUGHAM, and SYDNEY SMITH to become the mere parasite of a successful politician, in flagrant disregard of the principles of which it professed itself the champion. We do not pretend to an unqualified admiration of Lord JOHN RUSSELL's political career, but an elaborate attack on the author of the Reform Bill by the *Edinburgh Review*, in the interest of one who never was a Liberal, and is at best but half a Whig, was an exhibition of political baseness which might shock even an infidel who never bowed at the name of FOX. However, the *Edinburgh*, in spite of all our friendly counsels, chose to barter its birthright for a mess of pottage, and now it seems to have lost all appetite for the meal it purchased at so inordinate a price. The stream of personal adulation which flowed unchecked during the short period of the Palmerstonian success is altogether dried, and we are treated in its stead to a dreary essay on Parliamentary Government, such as SWIFT might have written in scorn under the title of a "Triticial Discourse 'on the British Constitution!'" We are told, with all the emphasis of political truism, that the basis of constitutional government is the responsibility of the Executive to the Legislature. We learn—what indeed was already sufficiently obvious—that that responsibility is wholly destroyed when the Executive abandons its independent action, and consents to become the mere instrument and creature of the Legislature. But what we are not informed by the *Edinburgh Review*, is how this mischief originated, or by what means it is to be cured.

We do not dispute the assertion of the Whig journal, that the principles on which the DERBY Administration has conducted public affairs during the present session are wholly subversive of the entire theory of constitutional government. It is perfectly true that a Government which frames its measures and constructs its policy solely with the view of catching the temporary support of various sections in the House of Commons, evades the fundamental condition of Ministerial responsibility; for the tool cannot be responsible to the hand which wields it, nor can the potter complain of the shape of the vessel which he has moulded. A House of Commons, dealing with an Administration which "bows to 'public opinion,'" is like a schoolboy who fruitlessly bobs in the tub of water after the apple which for ever eludes his bite. We are certainly not disposed to defend a condition of things which can only issue in a universal and hopeless political immorality. Neither do we feel inclined to take up the cudgels for Mr. MILNER GIBSON's theory of the virtues which distinguish weak Governments. To say that a weak Government offers less obstruction than a strong one is just as much as to say that a coach would go quicker without a coachman, or that a ship which always runs before the wind makes a better passage

than a vessel which steers its course. The only use of a Government is to govern, and those who don't want to be governed had better at once dispense with a Government altogether.

It does not, however, suit the purpose of the *Edinburgh Reviewer* to inquire how or when this new plan of conducting Government on the "bowing" principle, which threatens to supersede all other theories of Administration, grew to its present height. The Whig journal complains with great justice that the cowardice of the Executive is day by day abdication more of its functions to the body which ought to check, and not to direct, its action. Yet the *Edinburgh Review* might have remembered that the first great blow at the responsibility of the Executive, and the fatal precedent of usurpation on the part of the Legislature, occurred under the auspices of Lord PALMERSTON. The respective duties of the Administration and the House of Commons may sometimes be so intermingled as not to be easily discriminated; but there are some functions which so exclusively appertain to the Executive that no doubt can arise as to the power which ought to assume the sole responsibility. Amongst these functions, it would be difficult to specify one which devolves more absolutely on the Administration than the conduct of operations in the field during time of war. The proposal of Mr. ROEBUCK to transfer to the House of Commons the inquiry into the state of the army before Sebastopol was a most flagrant assumption of the special province of the Executive. The Government of Lord ABERDEEN treated the vote on that motion in the only manner in which it could be constitutionally viewed—as a direct censure on the Administration. Regarded in this light, there could be no objection to the form which the condemnation of the Cabinet might happen to take. The fitting consequence would have been the formation of a Government which, enjoying the confidence of Parliament, should have been prepared to assume the proper responsibilities and the ordinary independence of the Executive. No doubt Lord PALMERSTON took the conduct of affairs on the fall of the ABERDEEN Administration with the expectation and intention of superseding the Committee which virtually put the Cabinet in commission. But as soon as he found that Parliament was not prepared to accept him in the place of WAT TYLER, he displayed that want of political stability which has been the perpetual characteristic of his public career. He "bowed" to the House of Commons, and consented to compromise the whole framework of the Executive Government rather than endanger the hopes of his personal ambition. The first experiment of capitulation was fatally successful, and was soon repeated. The system of "bowing" was found so cheap and easy an expedient that it soon became the practice of a Minister who was little under the control of political convictions. As soon as an outcry was raised against the Income-tax, the Budget "bowed" in obedience to the popular clamour. His embryo Reform Bill began to bow long before it had emerged from the womb; and the India Bill came simpering on under the congenial auspices of Mr. VERNON SMITH, and made its little leg to an applauding public. Indeed, so far had the career of obeisance proceeded that there was no reason why it should ever have stopped if it had not happened that, by the merest accident in the world, the complaisant Minister, in the affair of the Conspiracy Bill, happened to bow in the wrong direction.

Whatever may be thought of the tactics of the DERBY Administration—and we have no disposition to constitute ourselves their apologists—the worst that can be said of them is that they are apt disciples of the master whom they have supplanted. Mr. DISRAELI is too acute an observer of the temper of the House of Commons not to have studied all the advantages which Lord PALMERSTON derived from his compliant policy. He has closely imitated, but can hardly be said to have exceeded, his original in the art of "bowing." Indeed, these accomplished performers may be said to be unequalled in the graces of a Parliamentary minuet. They are both, in their own way, no doubt, great prophets; but, like MAHOMET, they are sensible enough to recognise the fact that, if the mountain will not go to them, they must perforce go to the mountain.

If the *Edinburgh Reviewer* had had the fairness and courage to trace the history of the political mischief of which he complains to its source, he would not have had to beat about the bush for the causes of its growth or for the remedy by which alone it can be cured. We will venture to expound both the disease and the cure in fewer lines than the *Edinburgh*

has occupied pages in its pointless disquisition. The Executive Government has lost its influence because the politicians into whose hands it has successively passed have been willing to barter the authority which it was their duty to sustain, for the continuance of a power which they were resolved at all hazards to retain. The evil will be cured only when men shall be placed at the head of affairs whose political convictions are stronger than their personal ambition. Till then, we shall continue to see a capricious Parliament, under the corrupting influence of a sycophantic Administration, departing further and further from those principles of mutual responsibility which are the life of Constitutional Government—unless, indeed, the time should come when the mass of the House of Commons, with more self-respect than the Minister, shall have the manliness to reject the adulation which its leaders have not the courage to withhold.

INDIA AND YANKEE DOODLE.

WE have recently seen a number of the *North American Review*, which produces a strange effect on the English reader by the proof it gives of the extent to which the Americans have become a different people from ourselves. The Review is an elaborate imitation of the great British Quarterlies, and the English of the writers is very good English of the kind spoken at Boston, but the sentiments and the mode of treatment are exactly those of our interesting contemporaries, the *Univers* and the *Gazette de France*. An article on the British Empire in India has so familiar a twang to the ear, that one misses the Gallicisms which seem its natural accompaniment. It is intended to prove that the British are "hardened in iniquity," and is about as accurate in its statements of fact as the conversation of the gentlemen with whose company Martin Chuzzlewit was favoured on his road to Eden. It is not, however, the mistakes or misrepresentations which principally leave the impression that their author belongs to a different family of nations. The authorities on whom he relies are Mr. MALCOLM LEWIN, Mr. MEAD, and Mr. "PHILMORE;" and we have had from these eminent persons statements no less surprising than the Reviewer's assertion that the atrocities of the Sepoys were deliberately intended by them as a retaliation for the cruelties inflicted on their countrymen by WARREN HASTINGS, than his notion that the revenue is extracted by torture all over Hindostan, or than his condemnation of the first Sikh war on the ground that it was an unprovoked aggression of the British Government, eager to secure the inheritance of RUNJEET SINGH. What, however, is really curious, is the evidence the article affords that many educated Americans, while watching England with an interest keen enough though not always friendly, have completely lost the thread of current knowledge on English subjects. England is evidently now divided from them by the same impalpable veil which hides France or Germany from Englishmen. The American Reviewer manifestly believes, for example, that Scotland is a tributary province groaning beneath a foreign yoke. He wonders that the country of BRUCE and BURNS did not see in the Sepoy mutiny a providential opportunity for revolt. An article in *Blackwood* on the East India Company he considers as inspired by the craven haste of a slave to be on the stronger side. How long, he asks, will Scotland tamely submit to the tribute of several millions sterling which is yearly transmitted from Edinburgh to London? Has she forgotten the cruelties and the indignities which she underwent from the Duke of CUMBERLAND, "almost in our own time?" The Reviewer is convinced, we have no doubt, that this bloodthirsty Duke of CUMBERLAND afterwards became King of HANOVER.

We do not refute a gentleman who believes that Scotchmen, of all people in the world, ought to be zealous in helping the Hindoos to destroy the British Empire in India. Certainly it is not their accurate knowledge of each other which now reminds Englishmen and Americans that their brotherhood is somewhat closer than if it depended on a common descent from ADAM. The proof of the fact that every American is a transmuted Englishman, and every Englishman a possible American, comes from other sources than the literature of either country. So far as we are concerned, every newspaper which reaches us from India, Australia, or the Cape contains evidence that, removed from the thousand forms of control which modify his character at home, an Englishman becomes in almost no time a Yankee.

New South Wales, Victoria, Canada, Van Diemen's Land, even the aristocratically-settled New Zealand, are American societies under superficially monarchical governments; and above all, the English minority of planters and traders in India is thoroughly Americanized. It is particularly ludicrous that an American should lecture us on the more indefensible passages of our connexion with India, because it is exactly the American side of English character which had full play, both for good and for evil, in the establishment of the Anglo-Indian Empire. The energy, the self-reliance, the tenacity, and the undaunted courage of the race were conspicuous there, as they have been more recently in Mexico and Central America; but conspicuous also were its disregard of vested rights, its contempt for men of other blood, its insatiable greed for gain, and its tendency to blind itself to immorality by the most transparent sophistry. Anglo-Saxons, in presence of a weak and wealthy population, behaved themselves as Anglo-Saxons always have done and always will do, so long as they are not kept in order by a strong Government, or by social restraints of equal strength. In India, that strong Government was at last organized; and under it the people of India enjoyed some happiness, and had promise of more; nor was it till the Hindoo rebelled against his best protection that the danger of an American policy in India became again imminent. At this moment, the one result of the late wretched revolt which ought to be struggled against by everybody in England who cares for the credit of his country or of human nature, is the foundation in India of the society of the Southern American States. Everything tends to it. The best feelings as well as the worst are working towards it. The Christian missionary hurries on to break down, as barriers to proselytism, the same religious institutions and the same laws which the planter would knock to pieces in the blind impulse of hatred, or from the surer instinct of cupidity. But, whatever their motives, the consequences involved in their success are shown experimentally. In Bengal, as in Virginia or Tennessee, only one set of social relations can be produced by placing a weak race at the mercy of a stronger. The consecration of wrong as a principle, and the denial of right on system, carry with them, in any climate and under any sky, the debasement of the religion which acquiesces in such a state of things, the depravation of the free constitution which permits it, and the moral ruin of master as well as slave.

However we may respect the intentions of the Bishops who joined in a recent conversation in the House of Lords on the subject of Christianity in India, we cannot but regret that they should have repeated the old commonplaces of last autumn without a word of allusion to the better knowledge of the matter which we now owe to our cooler blood and ampler information. The proper answer to the pressing demands of the spiritual peers was given by Lord ELLENBOROUGH and other lay-lords, when they said that a consideration even more urgent than the conversion of the Hindoo (which, indeed, is involved in it) was, the growing hostility of the two races in India. If, however, these antipathies are to be understood, and their violence calmed, it must not be supposed that they date from the outbreak at Meerut. Doubtless they have frightfully increased since then, and have extended to classes which once did not share in them; but we cannot accept from the *Times* the suggestion that they are the natural fruit of disappointed confidence. We trusted the people of India implicitly, it urges, and they deceived us. But though this is true of the relations between the Government of India and its subjects, it is not true of any feeling existing between the natives and those Europeans who are unconnected with the administration. The planters and traders have consistently vilified the Hindoo, and the confirmation which the mutiny has given to their estimate of native character is one principal ground on which they proclaim themselves wiser than the East India Company and the Civil Service. The separation between the races has, in truth, kept pace with the influx of non-official Europeans, whose occasional ill-treatment and perpetual vituperation of the Hindoo have been but slightly compensated by an assumed compassion for his spiritual blindness. The most plausible theory of the revolt would be one which should attribute it to the fact that for some years past a cry for proselytism has synchronized in India with public professions of the most unmitigated contempt for the whole Hindoo race. Large numbers were hurt in their pride, still larger in their superstition, many in both. The Government (to its honour) has for the present

abstained as much as possible from wounding either the one or the other, but there are some persons who seem to think that it would turn India into a black man's paradise if it only encouraged the tendencies which it has hitherto sedulously checked.

AN INJURED INNOCENT.

THE Session of 1858 has proved an unfortunate season for the *Times*. Omniscience has fallen into so many blunders which have been unluckily found out, and omnipotence has experienced such palpable rebuffs which it was hopeless to conceal, that even the public *accouchement* of POPE JOAN could hardly prove a severer trial to the devotees of infallibility. The side which the leading journal has espoused seemed doomed to disaster, and the cause which enjoyed the advantage of its hostility appeared to derive from its opposition an unhelped for vitality. The Administration of Lord DERBY has survived the thunders of the *Times*, while that of Lord PALMERSTON perished under the breath of its applause. But of all the failures which the leading journal has recently experienced, the most mortifying must be the want of success which has attended its persevering efforts to write down the English name. In spite of the industry which has been expended in proving England and everything English to be contemptible, nothing but our sincere sympathy for the disappointment of our great contemporary could induce us to regret that this nation is not yet universally despised. The rôle of Cassandra is not at any time a cheerful one, but of all beings the most to be pitied is a Cassandra whose Troy is never sacked. In the midst of these accumulated miscarriages, and suffering (as it pathetically complains) under the same judgment as that wisdom of which it enjoys so large a share—which preaches in the street and no man regardeth her—perhaps the most discreet course on the part of the *Times* would have been to wrap itself in its own virtue, and leave us in ignorance of the indifference of the congregation which attends its ministrations. The leading journal might have taken to itself the consolation of the ancient Stoic—

Vitrix causa deis placuit, sed victa Catoni—

and might have derived a noble satisfaction from the reflection that, though fortune might favour the *Saturday Review*, the *Times* was ever on the side of virtue in distress. Unfortunately, however, our contemporary seems to want the fortitude and magnanimity which belong of right to injured innocence; and the soreness which is betrayed on the subject of the "obscure writers" in "highly vituperative contemporaries" adds fresh confirmation to the old saying, that "the flesh will quiver where the pincers tear." The laboured attempts which we have witnessed this week to prove that the *Times* has really always been in the right, indicate an uncomfortable consciousness that the public in general are under the delusion that it has been nearly always in the wrong.

In an article which appeared in the *Times* of last Wednesday on the subject of the disputes between this country and America, we find an amusing illustration of the method by which infallibility, caught in a monstrous blunder, attempts to escape from the scrape into which it had tumbled. When, some six weeks ago, the American Congress and press were resounding with insults and menaces levelled against England, the *Times*, following its accustomed policy, at once announced that the traducers of this country were entirely in the right, and that the conduct of the English officers was wholly indefensible. If our contemporary had contented himself with arguing that the principles of maritime law hitherto asserted by the British Government were unsound, we should have been prepared to deal with the question upon the footing of a juridical discussion. But when a journal, professing to speak on behalf of the English people, chose categorically to assert that the "right of search had been abandoned since the treaty of 1842," we thought it desirable to point out that such an affirmation betrayed a total ignorance both of the law and the facts of the question. We showed that the "right of search" could not have been abandoned in 1842, for the simple reason that it was neither at that time nor at any other asserted by the English or any other Government. It is equally true that it has not been abandoned now, and for the same reason—that it has never been preferred. There was, it is true, another right, which, by whatever name it may be thought fit to describe it, was asserted in 1842—which was certainly

not abandoned then—and which, in spite of the loose language into which some speakers have been betrayed, we are willing to believe is not yet abandoned. In the debate in the House of Lords on Monday night, the right referred to is thus defined by Lord LYNTHURST, with his accustomed precision:—"It is quite plain, if one of our cruisers see a vessel bearing the American flag, and have reason to believe that that flag is assumed, he must examine and inquire into her right to carry that flag as best he can. If the result should be to give him a strong suspicion that the vessel has no right to the flag that she bears, he may visit, and have an examination of her papers; and if he then finds that his suspicions are correct, he may deal with her in the manner in which he would be justified in dealing with her as between England and the country to which she belongs. The American Government has no right to interfere in this case. The matter is entirely between the English cruiser and the vessel seized. But if it should turn out that the vessel is an American, and has a right to use the flag, the situation is this—he must, of course, apologize for his acts, and make ample compensation for any injury done."

This declaration of the law, so far from being any new discovery in jurisprudence, is precisely the doctrine which we showed, in our number of June 19th, to have been laid down by Lord ABERDEEN in 1842. His lordship said:—

The right of search, except when specially conceded by treaty, is a purely belligerent right, and can have no existence on the high seas during peace. The Undersigned apprehends, however, that the right of search is not confined to the verification of the nationality of the vessel, but also extends to the object of the voyage and the nature of the cargo. The sole purpose of the British cruisers is to ascertain whether the vessels they meet with are in reality American or not. The right asserted has in truth no resemblance to the right of search, either in principle or in practice. It is simply a right to satisfy the party who has a legitimate interest in knowing the truth, that the vessel actually is what her colours announce. This right we concede as freely as we exercise. The British cruisers are not instructed to detain American vessels under any circumstances whatever; on the contrary, they are ordered to abstain from all interference with them, be they slavers or otherwise. But when reasonable suspicion exists that the American flag has been abused for the purpose of covering the vessel of another nation, it would appear scarcely credible, had it not been made manifest by the repeated protestations of their Representative, that the Government of the United States, which has stigmatized and abolished the trade itself, should object to the adoption of such means as are indispensably necessary for ascertaining the truth.

It is undoubtedly true that this right may be abused, like every other which is delegated to many and different hands. It is possible that it may be exercised wantonly and vexatiously; and should this be the case, it would not only call for remonstrance, but would justify resentment. This, however, is in the highest degree improbable; and if in spite of the utmost caution an error should be committed, and any American vessel should suffer loss or injury, it would be followed by prompt and ample reparation. The Undersigned begs to repeat, that with American vessels, whatever be their destination, British cruisers have no pretensions in any manner to interfere. Such vessels must be permitted, if engaged in it, to enjoy a monopoly of this unlawful trade; but the British Government will never endure that the fraudulent use of the American flag shall extend the iniquity to other nations by whom it is abhorred, and who have entered into solemn treaties with this country for its entire suppression.

Lord ABERDEEN's despatch sufficiently proves that this right—call it what you please—was not abandoned in 1842. Lord LYNTHURST's speech proves that it is not contemplated to abandon it now. Indeed, the concession of such a claim as that advanced by the American journals and endorsed by the *Times* would be absolutely inconsistent with the existence of an independent maritime sovereignty. If we were bound to allow any ship which hoisted the stars and stripes to pass unchallenged solely in respect of the flag under which she sailed, however little she might be entitled to its protection, we might not only have English ships carrying on the slave trade under American colours on the coast of Africa, but we might have the whole of our revenue laws defeated in the English Channel by our own subjects, who might pursue their illicit trade unmolested till some American cruiser condescended to interfere. If the *Times* is right in the concession which Lord MALMESBURY is alleged to have made, the English smuggler who chooses to hoist the American flag will be only amenable to the search of an American ship-of-war. When this doctrine comes to be thoroughly appreciated in our maritime ports, it will perhaps be found that all the savings which we shall be able to effect by the discontinuance of our revenue service will hardly compensate for the deficiency which may be found in the next return of the Customs.

Inasmuch as Lord DERBY was a prominent member of the Cabinet of 1842, and Lord LYNTHURST its principal legal adviser, we do not suppose that they have substantially departed from the principles laid down by Sir R. PEEL, when addressing the House of Commons on behalf of the Government, on February 2, 1843:—

Nothing is more distinct than the right of visit and the right of search. The right of search with respect to American vessels we entirely disclaim. But

the right we claim is to know whether a vessel pretending to be American and hoisting the American flag be *bona fide* American—to know, for instance, whether a Portuguese or Brazilian schooner, sailing under the American flag, be really what she seems to be.

Considering that we are contending for a right which is the only security against fraud, against the grossest abuses by parties interested in this iniquitous traffic—considering that we are now the advocates of a principle necessary for the interests and security of all maritime nations—it is my duty to state in the face of the House of Commons that the claim to that right of visitation contended for in the despatch of Lord Aberdeen has not been relinquished; that on this subject we made no concession whatever, and that to the principles laid down in that despatch of Lord Aberdeen we adhere at this moment.

We learn from the speech of Lord ABERDEEN on Monday night, that the instructions which were issued to the English cruisers at that period were drawn up with the assistance of Lord DERBY, and under the supervision of Dr. LUSHINGTON, Sir A. COCKBURN, and the Admiralty. These instructions were at the time communicated to the American Government, and obtained its complete concurrence. Lord MALMESBURY does not affirm that they were based on an unfounded claim, nor that he has ventured to revoke them. He intimates that some method is under the consideration of the two Governments which may obtain with greater efficiency the objects which we have never ceased to contemplate and pursue. He has promised to lay upon the table of Parliament the correspondence which has already passed, and when that correspondence is before us we shall be able to judge how far the present Government has sacrificed or sustained what Sir ROBERT PEEL well described as "a principle necessary for the interests and security of all maritime nations."

Fortunately for the conduct of the negotiation, the American Government seems by no means as pertinaciously anti-English in its spirit as the *Times*. The despatch of General CASS, from which we have quoted in a previous number, very reasonably assimilates the right of visit to the right of arrest. "As the identity of a person must be ascertained by the officer bearing process for his arrest, and determined at the risk of such officer, so must the national identity of a vessel be determined at the like hazard to him who, doubting the flag she displays, searches her to ascertain her true character. If the boarding-officer had just grounds for his suspicions, and deported himself with propriety in the performance of his task, doing no injury, and peaceably retiring when satisfied of his error, no nation would make such an act the subject of serious reclamation." We are glad to learn from Lord MALMESBURY that, as we had already anticipated, "the accounts given to the American Government have been enormously exaggerated, and that after careful examination he has not found a single instance in which our cruisers have behaved with incivility to the officers of any American vessel which they have boarded." According, therefore, to the doctrine of Mr. CASS himself, no case has occurred "which any nation could make the subject of a serious reclamation." Consequently, no necessity whatever has arisen for departing one iota from the principles of maritime law so clearly defined by Lords LYNDHURST and ABERDEEN; and we can see no reason, from the information before us, for believing that the present Government has been guilty of the superfluous *lâcheté* of surrendering a right which the complainants themselves are not so unreasonable as to question.

Whatever confusion, therefore, may have been introduced into the discussion by the loose language of speakers who are almost as hazy in their ideas of international law as the writer in the *Times*, we believe that the question stands now precisely on the same footing on which it was placed by Lord ABERDEEN in 1842. The statement with which the *Times* concludes, that "the right of Search and Visitation has now been wholly abandoned," is just as inaccurate as that with which it commenced, "that the Right of Search was abandoned in 1842." The Right of Search was not abandoned in 1842, nor is it now abandoned; for it was not asserted either in 1842 or at any subsequent period. The right of Visitation—in the only sense which has ever been attached to it in this protracted controversy—is not now abandoned any more than it was in 1842; for the right of verifying the nationality of a vessel has been explicitly insisted on by every speaker who has treated the question in Parliament, and is categorically admitted by the American Minister for Foreign Affairs. At the risk of incurring the imputation of a "highly vituperative" criticism, we have thought it right to set forth the true state of the case. Not that we deem it necessary to "gild the refined gold or to paint the lily," by a laboured exposure of journalistic blundering; but we think it of some importance

that the combined want of knowledge and want of patriotism of the *Times* should not be permitted to mislead public opinion by representing this country as having been compelled, in deference to the vulgar menaces of the American press, to beat a humiliating retreat by the surrender of claims which we had asserted without foundation, and the abandonment of rights which we had exercised without justice.

ELECTORS' TRAVELLING EXPENSES.

THE House of Commons and its Committees, without adhering to any immutable doctrine, have done a good deal, by legislation and by decisions on the trial of election petitions, to put down bribery and treating. When public opinion on any subject is in advance of private conviction, political action generally assumes, in its oscillating and intermittent course, the appearance if not the genuine character of prudish insincerity. Electoral corruption was denounced as a crime before statesmen were ashamed of practising it; but by degrees the universal profession became a not unfrequent belief, and the purchase of voters in the open market, when it is publicly avowed in the House of Commons, is now regarded as an excess even of Irish impudence. The exceptional culpability which, according to constitutional purists, attaches to the use of money in elections is one of those consecrated fictions which it is unprofitable to examine. There is not the smallest danger that candidates or constituencies will carry purity to an inconvenient extreme, and up to the present time the increasing stringency of the law has undoubtedly produced a beneficial effect on public morality. In the last Parliament, the zeal of the Election Committees in discerning latent corruption threatened at one time to enlist popular sympathy on the side of the persecuted class of sitting members. Every zealous voter who had walked down a street with a candidate was elevated into an agent, and the transfer of a shilling or of a pint of beer between any two inhabitants of a borough was gravely investigated as a *prima facie* case of constructive bribery or treating. As in all similar cases, real criminals were the first to profit by the arbitrary extension of the boundaries of crime. When a member who had confined his expenditure to two or three hundred pounds was stigmatized as guilty of corruption, the wholesale dealer in votes felt that he was kept in countenance by a host of creditable partners in an act of conventional guilt. Fortunately the common sense of Parliament produced an early reaction, and the present Chancellor of Ireland had the merit of reminding Committees that the law which made bribery a misdemeanor could scarcely be satisfied by a proof of constructive agency under an unconscious principal. Since the last general election, Committees have for the most part taken the real merits of the case into consideration, and the true choice of the independent electors has seldom been reversed in consequence of any isolated act of imprudence.

In the well-known case of COOPER v. SLADE, local party spirit, not satisfied with the triumph of the hustings, sought for vengeance in a court of law. The candidate had offered to pay the travelling expenses of an elector, on the implied condition of obtaining his vote, and the purity of the opposite party was shocked by the temptation involved in a gratuitous railway journey from Huntingdon to Cambridge. Three successive tribunals of ascending dignity delivered conflicting judgments on the lawfulness of paying for the conveyance of a voter to the poll, and it was finally determined by the House of Lords, in accordance with the opinion of a majority of the judges, that the candidate who had conformed to a universal practice had, in addition to heavy pecuniary penalties, incurred a disqualification from taking a part in any Parliamentary election. So absurdly unjust a consequence of the existing law not unnaturally produced a general desire to obviate the recurrence of the anomaly, and the expiration of the Corrupt Practices Act furnished an opportunity of legalizing a practice which seemed less objectionable than the persecution of which it had been the pretext. Yet it may be doubted whether Parliament has been well-advised in substituting an express permission to convey voters for a judicial prohibition. The mischief consisted in the previous uncertainty of the law, and in the consequent unfairness to the candidate who was surprised into constructive corruption. The representative system would not have been compromised if the unknown Cambridge elector had remained passive at Huntingdon, or had exercised his franchise at his own expense.

The law reserves the rights of voters otherwise qualified who may be absent from the polling place about the time of the election, but if their zeal or their pecuniary means are insufficient to put them in motion, the resident constituency may fairly be trusted to dispense with their interference.

Mr. WALPOLE might safely have contented himself for the present year with a Bill for continuing the Corrupt Practices Act. Candidates would not seriously have regretted the impossibility of providing electors with a conveyance which, in most instances, is a superfluous luxury. In counties, although the polling places are distributed over a considerable space, farmers are essentially a locomotive class when inclination or private business calls them from home. The long string of gigs and horses which defiles from every country town on the evening of market day sufficiently proves that it is unnecessary to provide extraneous facilities of conveyance when a rustic constituency has a public duty to perform. No county voter finds himself unable to attend a sale of stock or an agricultural show; and if he is seized with a sudden fit of domesticity on the day of polling, it may be presumed that no strong political convictions are doomed to suppression by his absence from the booth. The difficulty in boroughs is still more imaginary. It is only once in three or four years that a small shopkeeper can feel a doubt of his own capacity to walk down the High-street of his native town. At a late election for Marylebone, the candidates incurred an enormous expense for cabs and omnibuses to save their constituents the trouble of walking to the poll. As long as the new Act is in force, there will, in the event of future contests, be several thousand claimants for the more dignified mode of conveyance. Ten-pound householders in the metropolis are virtuous, uncorrupt, and patriotic; but they cannot be expected to put themselves at a disadvantage in comparison with their neighbours, or to dispense with the exercise of an acknowledged right. Incidentally, there may be a certain amount of virtual bribery employed in securing the votes of electors who happen to own a horse or a spring-cart; but the most obvious result of the new clause will be an increase of expense which may perhaps counteract the democratic effects apprehended from the abolition of the Property Qualification. The fractional corruption which may be generated by a skilful management of railway tickets is perhaps beneath the notice of Parliament, yet it cannot be doubted that ingenious projectors will devise a mode of converting the lawful conveyance of voters into corrupt payments of money. No independent elector will be foolish enough to content himself with a second-class ticket; and in many cases the unaccustomed luxuries of plate-glass and cushions will be regarded as a fair subject for a bargain. Mr. ROEBUCK asserts that return-tickets are not covered by the words of the clause; and if his opinion is correct, a wide field will be opened for the astuteness of election lawyers.

If it is absolutely necessary to bring every possible voter to the poll, the difficulty which is supposed to exist might certainly be overcome by more than one simple contrivance. Lord ROBERT CECIL's suggestion of taking the water to the horse, instead of driving the horse to the water, is already adopted in the voting-papers which determine the dispassionate elections of parochial guardians; but in large constituencies, in the midst of political excitement, it would perhaps involve some risk of malversation on the part of subordinate agents. No such objection applies to the multiplication of polling-places where the existing accommodation is found to be insufficient. Contests which formerly occupied six weeks, or, within more recent memory, a fortnight, are now decided in the course of a single morning; and it would be perfectly easy in any county or borough to double the number of booths and of poll-clerks. The cost ought in all instances to be paid out of the rates, if only for the purpose of reminding the voters that they are performing a public duty, and not giving or selling a favour.

It is perhaps impossible to prevent Mr. H. BERKELEY from reciting his monotonous formula as a *refrain* to every discussion connected with elections; but it seems hard that the House of Commons can never touch upon any question relating to the franchise without exposing itself to the inevitable *tag* of the funny performer who brings in the ballot on all irrelevant occasions. The Corrupt Practices Act has reduced the average expense of elections by more than a half, while it has at the same time protected the pockets and saved the consciences of almost all candidates for a seat in Parliament; but the ballot-mongers are annoyed at the

effect of regular pharmacy, and accordingly they announce that, in default of their own celebrated pill, the constitution, which is not yet their patient, would do better to die of corruption in peace. It is by no means certain that, even under a system of secret voting, protected patriots would walk to the polling-booth, if the law authorized the use of eleemosynary cabs; but the political hygeist is well aware that the intellects to which his arguments are addressed by no means require a close connexion between constitutional causes and effects. When Mr. WALPOLE introduces his promised measure in the next session, he must be prepared for the familiar squeak of "Here we are again—ballot-box and 'all.'" More serious legislators will probably in the meantime have arrived at the conclusion that it is not desirable to authorize any definite mode of expenditure at elections, inasmuch as any outlay which is undoubtedly legal has a natural tendency to become indispensable.

THE LEGISLATURE UNCHRISTIANIZED.

AND so the great national apostasy is accomplished, and we have a circumcised legislator sitting in the seat of GIBBON. The House of Commons, which by a vote and *privilegium* expelled Mr. ASGILL because he was a heretic and probably a madman, has by a Resolution permitted Baron ROTHSCHILD to vote without professing the true faith of a Christian. The famous cobweb phrase, which was never intended to exclude the sons of ABRAHAM, has been broken through by a gentleman whom his enemies have discovered at last to be very nearly, if not quite, an Israelite without guile. The occasion was attended by the accustomed omens. There was a rustling of wings of the old blind bats of bigotry who took the congenial part of the despairing angels; while Mr. WARREN, and Mr. NEWDEGATE, and Mr. SPOONER did the duty of genii, though not of genius, and, in place of "waiting," cried, Let us depart hence. Significantly enough, Mr. DRURY, the Chaplain of the House, was absent from his post on Monday afternoon, and the SPEAKER himself read prayers—we suppose it was the office for a departing soul—on the fatal evening which commemorated the unchristianizing of Parliament. But there was not the same dramatic and pictorial effect which characterized the previous death of the British Constitution. When the Reform Bill received the Royal assent the Conservative benches were significantly deserted; but Baron ROTHSCHILD subscribed the Parliamentary roll and took his seat with much the same stage effect as accompanies the second reading of a Turnpike Bill. In a senate of less than a hundred members, and in about a quarter of an hour, the Christianity of twelve hundred years—as the old exclusive policy has been sonorously styled—died in the dignity of a ditch, and it was left to the author of the *Lily* and the *Bee* to hum, in husky voice and woful threnody, its funeral oration. We can scarcely realize the grandeur of the catastrophe in the undeniable poverty of its accessories. But the meanness of the display was, in one sense, impressive enough. The whole thing was a cross throughout—there was not a single element of dignity in the proceeding. Probably neither Lord JOHN RUSSELL nor Mr. ABEL SMITH felt the least real interest in the Jews' cause. Enthusiasm for a ROTHSCHILD is as impossible as the poetry of consols. Man and cause combined cannot kindle a spark of eloquence; and the whole thing has collapsed into a lame, impotent, and ungenerous conclusion. The Lords have at least contrived to antedate the fatal period when

Venient annis secula seris,

and when their power of postponing conclusions of which they have admitted the premises shall come to an end. The innovation on the British Constitution is not in the admission of the Jew into St. Stephen's Hall, but in giving independent powers to a single estate of the realm. The revolution is in the new authority given to a resolution of either House; and in a second instance it has been reserved to a Conservative Ministry, in its first six months of official life, to pass a measure which, as far as its principle goes, is next in gravity to the Bill of Rights. One point of the Charter conceded, and the autocracy of the Commons established, are signs by which the first session of a Tory Government will live in constitutional history; and Lord DERBY has not only yielded without dignity, but, under the pretence of doing nothing, has gone further than the friends of Jewish emancipation wanted him to go. Even Lord JOHN RUSSELL, true to the instincts of the constitutional statesman, regrets, in the moment of

success, a triumph more than half the solid value of which is lost by the mode of attaining it.

And now what is to come of the Jewish M.P.? A precedent is set, or rather is followed, pregnant with consequences. MORDECAI, having entered the King's palace, will probably introduce an ESTHER to the Prince of WALES; and in deference to a Jewish legislator stricter views about the Sabbath will prevail in Parliament. A tax upon beasts who divide the hoof but chew not the cud may be expected from the ancestral sympathies of the CHANCELLOR of the EXCHEQUER who is not a Hebrew but of the Hebrews, and at least Dr. ADLER will claim or contest precedence with the Archbishop of CANTERBURY. These are the consequences which horrify the prophetic soul of SPOONER and disturb the dreams of NEWDEGATE. But let them be of good courage. The Emancipation Act of 1829 has not yet been followed by mass in Westminster Abbey. We are as far off as in the days of PERCEVAL and LIVERPOOL from an O'Connellite Ministry. The Protestantism of England is still staunch in the face of even the POPE's Brass Band, which is year by year losing its streptitancy. Mr. PEASE's presence has not succeeded in corrupting the grammar of the House of Commons, and the cut of Mr. BRIGHT's coat is almost as much like that of his fellow members as his English is beyond theirs. The fact is, that the House of Commons, like a public school, has a very levelling tendency. The Quaker forgets the traditions of BARCLAY—the Romanist soon learns to drop the manner of thought as well as the language which he brought from Oscott—Mr. FOX scarcely keeps alive the recollections of his chapel in Finsbury Place—and when you only read him in print you might forget that Mr. BALL has been familiar with the tub. We very much doubt whether, after six months, Baron ROTHSCHILD will quote his Talmud much more frequently than his colleague appeals to Lord SOMERS; and on the whole, the event of Monday night will be about as influential on the destinies of England as was Lord SALOMON's mayoralty on the politics of the Common Council.

It is now useless to slay the slain, but the old Mumbo Jumbo of "unchristianizing the Legislature" must not be consigned to the eternal limbo of all dead hypocrisies and shams without a parting exsufflation. It is of course a mere fiction to say that Jews ever were excluded from Parliament. But granting that they were, this was when the Legislature was that of a nationality, not of an empire. The Commons of England—this is one thing. The Imperial Parliament is another, and a very different thing. A Christian Legislature for a vast aggregate of communities, all enjoying equal civil rights, though professing an infinite discordance of religious opinions, is a contradiction in terms. We can quite conceive, as in the Roman Empire, a dominant race holding its distant possessions by right of conquest; and then it may profess, and perhaps compel, a single religion. But Jews, Mahometans, Buddhists, and Heathens, are our fellow-subjects, not tributaries to the Crown or State of England. The Jew or the Parsee is as much a British subject as a Marylebone churchwarden. The Parsee, therefore, supposing him to be otherwise qualified, is just as possible or tolerable a member of Parliament as a Manchester warehouseman or a Norfolk squire. Under these conditions, a Christian Legislature is simply impossible, unless we are content to hold our empire by the laws of conquest. "National Christianity" is the price we pay for Imperial rule. Mr. FOX was quite right in saying that the matter could not rest with Baron ROTHSCHILD. All religious and social disqualifications for the Legislature must cease. It is a palpable and patent wrong, for example, that the clergy of the Church of England should be excluded from the House of Commons. They are at least as much subjects as Baron ROTHSCHILD. They are taxable and taxed, and therefore have equal political rights with all other subjects of the realm. Very properly the State refuses them the privileges of the Levitical priesthood; but it has no right to impose upon them the political disability of a caste. And another consequence will follow from Baron ROTHSCHILD's presence in the Legislature. Another and perhaps the last link between Church and State is loosened, if not severed. Here we are at one with Mr. WARREN in his estimate of the event. But we must take it with its consequences—one of which will be the banishing of polemical discussions from Parliament. The House of Commons is not the place for settling the national religion. The Church and the sects must settle their religious concerns in their own respective bodies; and when the House of Commons declines

to entertain, still more to decide, religious questions, on the ground that it no longer possesses a distinctive and exclusive religious conviction, the more truly it will sustain its Imperial character, and the better it will be for all religious communities, which it is bound to survey with an equal eye, but which it has no right to control or to interfere with under any other aspect than that of their citizenship.

JUDAS-HOLES.

A LETTER lately appeared in the *Times*, written by a father of a family, who warned his countrywomen against becoming the victims of a disgusting practice which is stated to prevail, and, we fear, does unquestionably prevail, in many Continental hotels. There are found men sufficiently degraded, and sufficiently audacious, to bore holes in the door, wainscoting, or ceiling of bed-rooms, through which they may look, in order to see the ladies within at their toilette. It is said that these holes, which bear the appropriate name of *Trous-Judas*, are specially designed to enable the wretches to study the toilettes of Englishwomen—either because the unconscious subjects of the treachery are in this case fairer, or because their more scrupulous habits of cleanliness make their toilette longer and more unguarded, or because the traitors enjoy the malignant satisfaction of thinking that their insular modesty would be more deeply shocked if they could but know what was going on. However this may be, Englishwomen are represented as the favourite victims, and as attention has been drawn to the practice by a vehicle so public and so widely-circulated, it is impossible any longer to ignore the existence of these "Judas-Holes." Many English ladies will feel very uncomfortable henceforth, and will cast glances of apprehension around them while they are going through the inevitable process which must begin and end every day of continental travel. And as there really is no doubt about the matter, and as all men who are intimately acquainted with Continental countries have long been aware that the practice existed, we cannot flatter ourselves that after all the letter-writer may very possibly have been mistaken. Of course, no one can say how widely, or in what particular places, this detestable violation of all honourable feeling may at any given time be going on. But as it does exist, and as its existence has now been brought to the cognisance of English ladies, we may naturally ask what is the proper remedy? What ought our countrywomen to do? The letter-writer suggests a mechanical remedy. He says that ladies ought to take with them a quantity of shawls, plaids, and old wraps, and pin them over every possible aperture. The designs of the Judases would thus be defeated, as they would find their holes stopped; and the provident ladies within might securely and comfortably linger over the mysteries of their dressing and undressing.

To this mechanical remedy there may easily be made mechanical objections. Travelling for ladies and with ladies is bad enough as it is; and it is no slight effort to get the large black boxes safely through custom-houses, and changes of railway, and from and to hotels. But if ladies, in addition to all they consider necessary at present, felt obliged to add enough wraps to tapestry the whole of an airy and spacious Continental bedroom, a *paterfamilias* would as soon travel with the bed of Ware for a companion as with a grown-up daughter. There would be no comfort with her, and the vast magazines she would require would be a perpetual source of family dispute. And, then, what pleasure could the poor thing herself find in her expedition? Seeing an old cathedral, and making a sketch, and perfecting the French of Stratford-atte-Bow at a *table-d'hôte* are diversions tolerable enough in their way; but if the thought were pressing all the day on the sight-seer that the approach of night would entail the duty of practical upholstery on a large scale, she would soon wish herself back in the land where there are no *table-d'hôtes*, but where doors and ceilings are not perforated by peeping Toms. Unless the Judas-holes are to be overcome in some other way, there is an end of Continental travel for English ladies.

The only remedy is not to take any trouble about these wretched holes at all. Ignorance in this case is most certainly bliss. We regret that the subject was ever mentioned; but as it has been brought forward, we wish that our countrywomen should make a bold effort and relapse into a state of unconscious innocence. Hotels where such a practice is tolerated are, we may venture to say, exceptional; and a lady need not worry herself about the chances of coming across one of the exceptions. And this for two reasons, either of which is conclusive. First, however much she may think, and fret, and torment herself, she is utterly powerless. Her enemies are on their own ground, and are quite certain to beat her whatever she may do. A man who has sunk so low as to amuse himself in this way will not, we may be sure, be easily baffled. Judas is not to be baulked by a shawl or two, and will soon find out an unguarded aperture. Secondly, the remedy is worse than the disease. It is worse that a woman should think about being peeped at than that she should be peeped at. Purity is too delicate a flower to flourish when the imagination is occupied with schemes for checking impurity. A woman who resolutely refuses to think or trouble herself about the Judases will never, it must be remembered, receive any positive shock. She will never know when or where she has been looked at, nor even

that she has ever been looked at at all. The most she can know is that the chances are that at some time or other, and in some unknown place, she has been the victim of a device set in action by persons whom she has never heard of. If a person dines out regularly during a London season, however amiable he may be, the probabilities are that to some one stranger at least he has been the object of dislike, or distrust, or contempt. But no one troubles himself about this probability, or suffers this consideration to move his temper or spoil his digestion. On the other hand, if this probability were the source of constant anxiety and vigilance, the ease and life of society would be gone. So, if women were to go about the Continent stopping up Judas-holes, they would soon get into an unbearable state of prudery and consciousness. It would even grow into an excitement to talk of the horrors of the thing. The fancy would fasten on the coming danger, and prudes would ask, like the old maid at the taking of Carlisle, "When is the peeping going to begin?"

If feeling does not intervene—if there is no notion of anything directed personally to themselves—women can go through much which would shock and repel them were they connected specially with their own sentiments. The Greek maids and matrons looked on the games without any notion that they were violating propriety. Delicacy and modesty are so far artificial that custom alone determines what will offend. Certainly the slackness to take offence can be carried by force of habit to surpassing lengths, even in a country where propriety is so artificial as in England. Perhaps there is no spectacle more curious than that of the beach at an ordinary sea-side place. Much, for instance, as there is to catch the eye and impress the memory of a stranger in Brighton, there is nothing so striking or so impressive as the strings of respectable women that fringe the shores within a few yards of the bathing-machines. There they sit, happy, innocent, undisturbed—placidly and immovably gazing at hundreds of males in the costume of Adam. There does not seem to be a notion that there is anything improper—there are no averted looks, no sidelong glances, no blushing or shame. Naked men are treated as one of the products of the place, like lobsters, or soles, or pebbles. There is a local edict which prohibits bathing after one o'clock, because after that hour it is supposed that ladies are likely to be about, and that they will be offended if they see bathers. This rule is prompted by the theoretical conception of what would offend all women and what would practically offend a great many. Still there are found crowds of highly respectable and modest women, who, having no evil purpose in their hearts, and having their artificial modesty blunted by custom, look on the living statues so close to them as complacently and steadfastly as they would on the marble images in the Crystal Palace.

This is going much further than persons of ladylike feeling can be wished or made to go. But it rests on a principle which is widely applicable, that wherever the practical exigencies of life require a certain unconsciousness, it is both wise and possible to be unconscious. The mistake of the frequenters of the Brighton beach is merely that they are unconscious on a wrong occasion. But still, that custom will make women happy and ignorant is a great fact, and it therefore only remains to establish and maintain the custom. If these Judas-holes were to be treated as engines of indelicacy which women must counteract and outmanoeuvre, they would do a harm infinitely greater than that of ministering to the diseased imaginations of the brutes that use them. But if it is settled that no one is to mind them, no one will mind them. If once a woman puts up one of the Letter-writer's plaids or shawls, it is all over with her, and every time she goes to her bed-room she will feel like Godiva in the streets of Coventry. Of course a sensitive Englishwoman, with every feeling of propriety and self-respect cultivated by early training and heightened by years of reflection and family seclusion, will sometimes feel depressed, alarmed, and burning indignation at the thought of the insult which she may be undergoing. But for the sake of herself and her sister-travellers, she must refuse to give way to her emotions. She must pursue the usual tenor of her way, and refuse to let the possible machinations of unknown ruffians disturb her. As for the ruffians themselves, oh that they could be caught, and that the Fates would deliver them over to the mercies of an English walking-stick and the kick of an English double-soled boot!

DOCTORS AND MADHOUSES.

IT is difficult for any one living the ordinary life of a civilized being to form any conception of the absolute horror of solitary confinement. Few persons are in the habit of spending so much as an hour a year in compulsory solitude. If they are alone, they have it always in their power to seek the relief of society in some shape the instant that they grow weary of their own companionship. This is especially the case with women, and it is perhaps one of the worst evils of an artificial state of society like ours, that it destroys the capacity for enjoying solitude, or even for enduring it with tranquillity. It is this habit of mind which has made the separate cell so formidable an engine of punishment. By the testimony of those who have watched its operation on criminals of every grade, we know that it will break the spirit of the most stubborn, and drive the feeble and the irritable to actual insanity. In order to render it tolerable to human nature, even when it is meant to be the severest

punishment, it is a necessity, recognised in the strictest prisons, that the convict shall be repeatedly visited by a chaplain, whose office it is to mitigate by kindly conversation the terrors which would otherwise prostrate the minds of nine-tenths of the victims. But mere solitary confinement may be infinitely aggravated by a little ingenious cruelty. Let any one try to realize this picture. A woman, accustomed to live in an easy and respectable position in society, is suddenly, without any accusation of crime, condemned to pass her time in a solitary cell. Let it be supposed that she is of an unusually excitable temperament, impatient of contradiction and restraint. When her loneliness is relieved by the presence of a fellow-creature, he shall be a coarse tyrant, who insults her with language that would be intolerable to the most abandoned wretch who walks the streets. Suppose that he adds actual violence to his insults, and thrusts himself on his victim at any hour he pleases, without suffering her to cover herself with decent clothing. If she struggles or remonstrates, let her modesty be ridiculed, and in answer to all her complaints, let her be told that she is mad, that the law gives her no protection, and that she must submit without hope of relief to all that her tyrant chooses to inflict. It is a mere question of time how long the endurance of such insult and brutality, coupled with the sense of utter helplessness, could continue without reducing the patient to utter despair and actual insanity. This is not a fanciful picture. It is the fate which awaits any one who is consigned, in error or by fraud, to one of those private lunatic asylums of which there are some still in existence, where the principle of soothing patients by gentleness and indulgence has not supplanted the brutality which was formerly the recognised treatment of actual or supposed lunatics.

A recent investigation at York into the case of a Mrs. Turner, who was, rightly or wrongly, supposed to be insane, has brought to light the existence of one of these dens. Mr. John William Metcalfe, the proprietor, appears to be a rather exaggerated type of the mad-doctor of the old school. In December last, Mrs. Turner, the wife of a gentleman holding a lucrative official appointment in Liverpool, was sent, with the usual certificate of insanity, to Mr. Metcalfe's asylum. After two months' imprisonment she effected her escape. In March she again got loose, letting herself down from a window six yards from the ground. Some indication of the treatment to which she had been subjected may be gathered from Mr. Metcalfe's reluctant admissions when under cross-examination. He believed that he had once used coarse language to her. He remembered seizing her by the back of the neck, and throwing her on the floor. He had uttered to her face the most opprobrious accusations that can be addressed to a woman. He did not deny having said to her, "Come, you have stripped before many men, you shall do it before me." Whether the poor creature were mad or not—and the majority of the jury found her to be of sound mind—it is no wonder that she risked her life to escape from such a hell as Mr. Metcalfe's establishment at Acomb House. Her flight was in vain, for in York her persecutor found her, and after breaking open her bedroom door, struggled with her and dragged her in her undress from the bed. Her cries of shame and agony Mr. Metcalfe attributed merely to rage, and at last, with the assistance of his groom, he forced her into a carriage and carried her back in triumph to the asylum. There she remained until she was released on Saturday last by the verdict of a jury charged to inquire into her state of mind. Evidence of excessive and unreasonable jealousy of her husband, and acts of extreme violence towards him, were the grounds mainly relied on to prove her insanity. That it was a case of some difficulty may be presumed, for seven out of eighteen jurymen refused to concur in the verdict of the large majority that Mrs. Turner was of sound mind and capable of taking care of herself. But there was no room for doubt as to the conduct of Mr. Metcalfe, and the jury very properly appended to their verdict the following declaration, which will probably put an end to this gentleman's opportunities of tyranny:—"The jury cannot separate without reflecting on the disgraceful conduct of Mr. Metcalfe, the keeper of Acomb House, and beg to draw the attention of the Commissioners of Lunacy thereto." Mrs. Turner is now at large, but who can say how many patients may be suffering at the hands of men like this Mr. Metcalfe? It is only now and then, by a happy accident, that light breaks in upon the horrible seclusion of these private mad-houses. Mrs. Turner's case has shown how easily a sane person may be consigned to an asylum, and what torments may await her when she goes there. No one will believe that a man who treated one patient with such disgusting cruelty is innocent of similar conduct to his other victims; and yet, in spite of such machinery for inspection as the law provides, Mr. Metcalfe might, it seems, have pursued his own course for years, had not the revelations in Mrs. Turner's case exposed him to the world.

The existence of such a place as Acomb House appears to have been, ought to be impossible, and would be so under an adequate and efficiently administered law. But the inhumanity practised to the insane is not the worst evil that Mrs. Turner's case has revealed. The probability that many sane persons are at this moment lingering in private asylums, without even madness to blunt their feelings, cannot be thought of without shuddering. And yet it is impossible to doubt that such cases must occur. A mistaken certificate by two professional men is sufficient to consign any one to a prison more terrible than that of

the violent criminal. The crotchets of doctors who make lunacy their *specialité* have become notorious. Almost every great criminal trial proves how little the highest authorities are to be relied on, and how freely they can contradict each other's opinions. The inquiry, only the other day, into the validity of the will of Mr. Swinfen, shows how the examination of a supposed lunatic may be made. The physician is brought face to face with the patient, who is likely to be a person of irritable temper. No attempt is made to disguise the object of the visit. Rough and impertinent questions are often asked, and whether the unlucky subject is driven into moroseness or lashed into fury, his demeanour may be regarded as a corroborative proof of his insanity. The doctor, too, is probably an eminent man, and has to decree the imprisonment of a dozen other patients before nightfall. There is no time for acquiring any real familiarity with the case, and a man's freedom is disposed of with about as much deliberation as is given to a prescription for colic or dyspepsia. A little hearsay about the eccentricities or violence of the patient ekes out the doctor's judgment, and the certificate is signed which places the unlucky patient in the power of a man like Mr. Metcalfe. We do not doubt that many physicians are thoroughly impressed with the responsibility of declaring a man to be insane and a fit subject for restraint; but there is too much reason to fear that, in many cases where these certificates are given, the opportunities of judging are not sufficient to enable a conscientious physician to pronounce an opinion on which he can absolutely rely. There are doubtless many cases where it would be hazardous to lose a day before putting a violent lunatic under restraint. Some machinery as prompt as the present certificate system may be necessary to guard against such risks; but the dictum of a couple of doctors, after a casual inquiry, ought not to be regarded as establishing more than a *prima facie* case, and some better provision than now exists ought to be made for releasing without delay those who may have been placed in confinement on insufficient grounds. If the eleven jurymen were right in their verdict in Mrs. Turner's case, it is proved to be possible for a sane person to be subjected to the horrors of a private madhouse for six months without any satisfactory investigation of her state of mind. It may be impossible to avoid mistakes altogether, but even in cases where preliminary delay might be thought dangerous, there is no reason why the propriety of the physician's warrant should not be carefully tested immediately after the sentence has been put in force. Such safeguards as the law now supplies are shown to be utterly inadequate; and if private asylums are to be allowed to exist at all, more stringent precautions against the cruelty of their proprietors and the mistakes of certifying physicians and apothecaries are needed to prevent the abuses to which the system is so apt to lead.

MAJOR-GENERAL FRANKS, K.C.B.

IT is difficult enough at any time to get people to read the *London Gazette*. But to suppose that despatches describing transactions long since passed will attract attention, argues a strange ignorance. Nevertheless, upon the notoriety of those very despatches depends the public estimation in which military officers stand. More than four months ago, Brigadier-General Franks penned the despatch in which he described that brilliant march of thirteen days across the Kingdom of Oude which Sir Colin Campbell so justly eulogized. The General has come home—many despatches of a later date have been published—and yet it is only within the last few days that this long-expected document has been permitted to see the light. Even now the Government has failed to publish those two sketches to which the General refers, and which would no doubt have greatly aided the general reader. However, it is satisfactory to find that the Horse Guards have promoted Colonel Franks to the rank of Major-General; the Duke of Cambridge has paid him the additional compliment of announcing his promotion in a general order; and on Tuesday last he was gazetted a K.C.B.

It is clearly impossible, within the compass of a single article, to give the contents of a document which occupies more than five pages of the *Gazette*. Perhaps, however, it may be possible to indicate the general results achieved by the Colonel, and to give the public some idea of his tactics at the battle of Sultanpore. It should be observed that these operations of Colonel Franks illustrate rather his ability as a tactician than as a strategist. Placed in command of the Jounpore Field Force, his orders were to be within a day's march of Lucknow on the 1st of March. His duty, therefore, was to conduct his column with the least possible loss, and to arrive at his destination at the appointed time. His object was ascertained—his force was fixed—his road even was restricted to the right bank of the Goomtee. A good strategist is an officer who frames that part of a military plan which is to be executed before he reaches the field of battle—the moment the enemy becomes visible the officer becomes a tactician. The distinction is arbitrary, and the boundaries of the two provinces—strategy and tactics—are not very definite. But the distinction has its conveniences, and we repeat that the operations of Colonel Franks exhibit him rather as a tactician than as a strategist. Let it not, however, be supposed that this remark is made in disparagement of that officer, for there is no reason whatever to doubt that he is quite fit to exercise the highest command.

On the 19th of last February, Colonel Franks was at Sigramow,

just beyond the frontier of Oude. He was to be within a march of Lucknow on the 1st of March. His force amounted to 5710 men, of whom 2000 were British infantry, and 3713 were Goorkas. His cavalry were only 38 Benares Horse, with 25 mounted men of the 10th Foot; and it seems that some of the Lahore Light Horse and Pathans joined after the battle of Sultanpore. He had 24 pieces of artillery, of which 13 were 9-pounder, and 2 18-pounder guns. The distance to be traversed was 130 miles, over roads "often unbridged, and nearly impassable." The country swarmed with a hostile population, and therefore he had to carry his own provisions, which required the presence of some 2000 carts and crowds of cattle. The rebels were vastly superior in number, with cavalry, guns, and ammunition. They were commanded by natives of experience, and the district through which the march lay abounded in strong positions, whilst the flank and rear of an advancing force might be harassed by the mud forts which abound in that part of India. In short, none but a scientific officer could rationally hope to reach Lucknow in the specified time with his troops in tolerable condition—ready to take part in the attack on that city. At all events, it is pretty clear that the bull-dog style of fighting, "pure and simple," would never accomplish such a result.

Now, in front northward at Chanda lay 8000 men, and south-westward, about eight miles from that village, lay 10,000 and 11 guns. The Nazim had commanded these two bodies to concentrate on the evening of the 19th of February, General Franks having designedly spread a report that he would not move before the 20th. But, in fact, he left Sigramow for Chanda at six o'clock in the morning of the 19th—defeated the 8000 men there before midday—fed his men at once on the field, and just before sunset attacked and defeated the 10,000 who had advanced from Waree. The Nazim expected to find him disorganized—he found him in order of battle. He expected an easy victory—he found an ignominious defeat. But the Nazim was not only defeated—he was out-maneuvred. He was driven off his direct line of retreat—the road to Lucknow. His only chance was to regain that road by a wide flank march. Until he accomplished that, however, the Lucknow road was open. Facing south-westward, therefore, toward Waree, as if to fight the Nazim, Franks hastened on his baggage through the jungle pass of Budhayan, and then, suddenly retiring, secured the fort of that name. Thus General Franks not only defeated 18,000 of the enemy in detachments—and that in about ten hours, with only eleven men wounded—but he so manœuvred as to get through a most difficult pass without the loss of a man or an article of baggage. As the despatch says:—"The Nazim had missed his opportunity. He had been deceived as to my intentions sufficiently long to allow of the safe progress of my encumbrances through the defile of Budhayan, and had finally been forestalled in the possession of that strong position."

We have now reached the 22nd of February. On that day the enemy had collected all his forces, together with the fugitives from Chanda, at a place called Badshahgunje, two miles beyond Sultanpore, on the banks of the Goomtee. The rebel force numbered 25,000, of whom 5000 were sepoys, and 11000 cavalry, with 25 guns. They were commanded by Mirza Guffoor Beg, a general of artillery under the old King of Oude, sent from Lucknow on purpose; and this was their position. A deep and winding ravine runs into the Goomtee, which flows from north-west to south-east; and the river was thus on the left of the enemy and the right of the British. Behind this ravine lies a plain in which the enemy's line was posted. His left rested on the Sultanpore bazaar; his centre was placed behind the ruined lines once occupied by the Police battalion; his right was covered by a range of low hillocks in advance of the village and strong masonry serai of Badshahgunje. The space occupied was about a mile and a half. No doubt the rebel general knew the advantage of resting his left upon the river and the nullah, which according to the despatch "made a bend" at this point; but he had other reasons for placing himself as he did. He had to block up the road to Lucknow. Now that road intersected the position at right angles. At the point, therefore, where it crossed the ravine or nullah, he had planted his principal battery, consisting of five heavy guns. The rest of his artillery he had disposed along his front. Three guns were posted on his extreme left, six more in the serai and village of Badshahgunje on his right. On the southern side of the nullah, nearest to the advancing force, he had placed his pickets. So posted, Mirza Guffoor Beg awaited the British.

On the 23rd of February, at 6 A.M., Franks left his position in front of Budhayan. Having arrived within about a mile of the village of Loramow the advanced guard caught sight of the enemy's outposts. Franks at once formed in order of battle. His front was covered by 240 selected marksmen. The English General knew the terrible effect upon the Indians of the minié rifle. A hundred paces behind came 8 horsed guns under Lieutenant-Colonel Longden. Then came the two 18-pounders along the high road intersecting the enemy's position. Then followed the British Brigade—the 10th, the 20th, and the 97th—in contiguous columns at quarter distance, with an interval between each column of 25 paces. Had the enemy observed that the columns were not at deploying distance, he might perhaps have anticipated that the General did not intend to attack in that quarter. Behind the British Brigade came the six Goorka battalions, also in contiguous columns, but at deploying

distance, under Colonel Pulwan Singh. Leaving the baggage and rear-guard in rear of the village of Loramow, the whole force advanced until fully within sight of the enemy's pickets. This was done on purpose. Colonel Franks was anxious to impress his antagonist with the conviction that the British would advance along the high road. He succeeded. Having, as we have said, come fully in sight of the rebel pickets, Franks advanced with the thirty-eight Benares Horsemen and twenty-five mounted soldiers, and at once drove the enemy's outposts through a thick belt of trees across the nullah. Thenceforward the proceedings of Franks were unknown to the enemy. No doubt every moment they expected to see the column advancing against the 5-gun battery, and assaulting the position, for the English General never allowed the enemy to reconnoitre his position again, and for that purpose he kept the Benares horse near the nullah. Meantime, Franks had ridden off towards his left. His experience suggested to him the probability that the nullah or ravine would gradually become smaller and smaller, until at length it disappeared in the plain. If this were so, his course was clear. To approach the left or the centre of the enemy was a serious matter, because the great ravine intervened, and the enemy expected him in that direction. But if the nullah disappeared towards the British left, and if, therefore, the British could only make a flank march unperceived by the enemy, the rebels would be attacked in flank, their line of retreat would be cut off, and they would be driven either into the deep ravine or perhaps into the river Goomtee. The natural results would follow. Numbers would perish, all the artillery would be captured, and Franks would have the road to Lucknow clear for an advance. The position of the rebels was like that of the Gwalior Contingent at Cawnpore, and the plan of the battle was somewhat the same as the plan of Sir Colin Campbell, nor was it less ably carried into execution.

Not a moment was to be lost. Franks riding off to the left found a point at which the road from Allahabad (lying to the south-west) crosses the nullah and enters Sultanpore. A rising ground showed him the rebel position. It was clearly possible to turn his right. The British troops at once moved to the left. For long they were unperceived by the enemy. At length they got completely round his flank. In vain the rebel commander tried to stop the advance with his guns. Some of his heavy pieces he managed to turn round; others became useless. The British force advanced rapidly in two lines, covered by the skirmishers. The Lucknow road, which, as we have said, intersected the enemy's position, was gained. One portion of the enemy retreated precipitately along that road—the rest were hemmed in between the British line and the nullah, which, instead of protecting his front only operated to prevent his retreat, for it was now in fact in his rear. In short his right had been completely turned. After the five-gun battery which was posted to protect the road had been taken, the rout became general—most of the rebels attempting to escape across the deep ravine in the rear. The last remnant of the enemy who retained anything like formation made a stand with three guns near the station of Sultanpore. The Goorkas drove them thence, and so finished the action. The whole plain was covered with fugitives. Pursuit was attempted, but the want of cavalry rendered it abortive.

Thus, says the despatch, ended the battle of Sultanpore, in which, with only 11 casualties on our side, an army of 25,000 men was driven from a position of great strength and scattered to the winds with the loss of 1800 men killed and wounded, leaving 21 guns, 9 of them of siege calibre, in our hands.

THE CASE OF SWINFEN v. SWINFEN.

THE extraordinary interest which has attached to the case of *Swinfen v. Swinfen* is perhaps hardly justified by the dry facts of the case, if it is considered as a mere question of evidence. The compromise proposed, and in one sense effected by the present Lord Chelmsford, not expressly recognised by the Court of Common Pleas, repudiated by the Court of Chancery, and finally overruled and reversed by the jury at Stafford, is the circumstance which has attracted so much public interest to the question whether Mr. Swinfen, at the age of eighty-one, on his death-bed, was or was not competent to make a will. Apart, however, from the romance of the matter, and apart from the prospect held out of an action for damages against the Lord Chancellor by his former client, there are several points in the story which are singular illustrations of the character of English law and lawyers.

We need hardly remind our readers that in March, 1856, the case of *Swinfen v. Swinfen* was tried for the first time, or that the trial ended in a compromise by which the plaintiff's jointure was to be raised to 1000*l.* a-year for life, in consideration of her ceding the estate, which was worth 1700*l.* or 1800*l.* a year, to the heir-at-law in perpetuity. This compromise was made by Sir F. Theigier against his client's wishes; and on her refusing to carry it out, the heir-at-law applied to the Court of Common Pleas to have her "attached," i.e. sent to prison for contempt of court. Two judges out of three pronounced their opinion in favour of issuing the attachment; but in such a case unanimity is required, and as the third judge (Mr. Justice Crowder) did not agree with his brethren, the rule

was refused. It still, however, stands on record as the judgment of a majority of the court that Sir Frederick Theigier only did what he had a right to do, and that Mrs. Swinfen was bound by his act. At this point comes in one of the beauties of English law. The case was an issue out of Chancery, sent to be tried in order to enlighten the conscience of one of the Vice-Chancellors. The Vice-Chancellor, after a solemn argument, declared that whatever the Court of Common Pleas might think about the matter, his conscience was not sufficiently enlightened by what had passed, and he accordingly sent the matter down to Stafford to be tried over again. It would seem to follow that, but for Mr. Justice Crowder's dissent from his colleagues, Mrs. Swinfen would have been attached by one court for refusing to execute an agreement by which, according to another court, she was not bound. This is another instance of that unseemly clashing between the Courts of Common Law and of Chancery which was illustrated very lately in the case of *Alicia Race*, the Protestant daughter of a Roman Catholic mother, who seemed in danger of being divided between Lord Campbell and Lord Cranworth like the child in Solomon's judgment, and, again in that of the depositors and directors of the British Bank, who got into relations with the Court of Chancery, the Commissioners of Bankruptcy, and the Court of Queen's Bench, a great deal too complicated to be described on the present occasion.

The verdict delivered at the trial which has just concluded appears to have given universal satisfaction, probably on account of the sort of poetical justice which appears to have been awarded to a very gallant and much-harassed lady; but it is hardly possible, from a newspaper report, to arrive at any very satisfactory conclusion as to its soundness. It certainly appears, on the one hand, clear enough that old Mr. Swinfen had every reason to be attached to his daughter-in-law, and no particular reason to be attached to his heir; nor did Mr. James succeed in rebutting Mr. Kennedy's statement, that he was influenced by bitter feelings against his father's second family. Indeed, the letters to Captain Swinfen, put in to show his uncle's regard for him, appear to us to show the very reverse. When an old man writes to his young nephew, "My dear sir, please to accept my condolence, &c." he can hardly be said to show much friendship for him. It is also to our minds a most material fact, that the will made by Mr. Swinfen conveyed the property into that channel in which it would have descended if his son had lived, and if his previous will had taken effect. His first will left all to his son—his son had left all his property to his wife—and the father knew it. It therefore seems natural enough that, on his son's unexpected death, he should carry out his intentions.

These, however, are merely general considerations. The fact of the testator's competency to make a will on the particular day on which the will was made, is another and a very different question. One fact in the case is beyond all dispute. The persons about him thought his competency doubtful at the time. Though he had various peculiarities of character, he was competent to transact business till within a short period of his death; but on the 15th June, which was about six weeks before that event, his son died suddenly. Within a few days he began to talk about making a will, and Mr. Charles Swinfen sent for his solicitor, Mr. Simpson, for that purpose. Mr. Simpson had not seen him for many years; but when he did see him he had a conversation with Mr. and Mrs. Charles Swinfen, and Mrs. Henry Swinfen the plaintiff, the substance of which was that he, Mr. Simpson, thought the testator incompetent. He corresponded accordingly with his London agents on the subject of a commission of lunacy, and finally a Dr. Evans was called in from Lichfield to see the testator. There is a conflict of evidence between Dr. Evans and Mr. Rowley, the testator's usual attendant (of the merits of which no one who did not hear the trial can affect to judge), as to what opinion Dr. Evans gave on the occasion, and as to the length of his interview with the testator; but his account of the old man's state when he saw him did not differ very materially from that of Mr. Rowley. Both of them say in effect, that he either could not or would not speak, though repeatedly addressed on the subject of his property. This is no doubt consistent with the notion that he considered Dr. Evans's visit an intrusion; but Dr. Evans distinctly swore that from that interview he derived the impression that Mr. Swinfen was not in a state to make a will, Mr. Simpson the attorney also refused, on one occasion, to take his instructions, though on a subsequent day his health seems to have improved so far as to induce him to do so. Besides this, two letters were written just after the son's death—one by Mrs. Rowley, the wife of the doctor, and the other by the direction of Mrs. Henry Swinfen and by her friend—in one of which Mr. Swinfen was said to be "spared the affliction of his son's death through great loss of memory—not equal to dwell for many minutes on any subject;" whilst in the other he is said to be "unable to comprehend the extent of his great loss." We must own that these circumstances raise doubts in our minds as to the propriety of the verdict; but it would be idle to set up such an opinion in the face of a verdict found by persons who heard and saw the delivery of the whole testimony of all the witnesses.

To any but those who are immediately concerned in the matter there can be very little interest in the question whether or no Mr. Swinfen really was competent to make a will; but the question as to what constitutes competency is one of far more general

interest. The judge in the present case seems to have laid down that the presence of a disposing mind—the power of understanding the dispositions to be made, and of exercising a choice in the matter—is sufficient for the purpose. We do not profess to have gone into the subject very deeply, but this certainly appears at first sight to be rather an insufficient requisition. In a large number of cases a man might know perfectly well what he was about, and might exercise an amount of choice of which he might be very distinctly conscious, whilst he was a most unfit person to be entrusted with the power of making a will. There is one great leading principle which runs through all questions relating to the legal relations of madness or imbecility, and which is easily stated, but not easily applied. It is that for certain acts certain mental conditions are requisite, and that, if those conditions are present, it is quite immaterial whether or no the person is the subject of any disease to which medical men may choose to give the name of madness, or imbecility, or any of their numerous subdivisions. These conditions usually are a knowledge of the act to be done—a knowledge of the nature of the surrounding circumstances, and of such of their relations to each other as, in his normal state, the person might be supposed to be aware of—and, lastly, an intention to do the act. It follows that, as the act becomes more complicated, a slighter degree of mental disturbance will be sufficient to vitiate it. Making a will, for example, is a very complicated transaction, because, to do it properly, a man ought to know not only what he is about, but what the consequences of his act will be in all the various events which may happen before his will comes into execution; and if there is the least degree of intricacy in its provisions, this would require a very considerable amount of intelligence. Crimes, on the other hand, are generally very simple in their nature, and can be apprehended as such by a very slight amount of understanding; and therefore it will follow that a much greater degree of insanity is necessary to make a man irresponsible for his crimes than would suffice to vitiate his will.

AGAMOGENESIS.

THE long word which heads this article was invented by an eminent French naturalist, M. de Quatrefages, and applied by him to those singular modes of reproduction without the influence of sex which have now been observed to obtain very extensively in both the animal and the vegetable worlds. The occurrence of this kind of multiplication was first clearly demonstrated by Bonnet, in the middle of the last century. Stimulated by Reaumur, the patient author of the *Insectologie* instituted a very remarkable series of investigations upon those well-known pests of the garden and green-house, the Aphides—"blight-insects"—or "plant-lice" as they are commonly called. A newly-born Aphis was carefully isolated, and the twig which served as the insect's pasture-ground and residence, having its end inserted into a vessel of water, was covered over with a glass shade. Bonnet, holding his captive, as he says, exultingly, "more safe than Danaë in her tower," watched its proceedings with an assiduity, and recorded them with a Boswellian minuteness, which would be ludicrous if they were not almost sublime; and he had his reward in the discovery that, under these circumstances, the Aphis gave rise not merely to a single living offspring, but to fourscore! More than this—one of these young, treated in the same way, yielded like results. Its isolated progeny again exhibited the same faculty; and as long as Bonnet kept up his observations—viz., for nine successive broods, the power of agamic production showed no symptoms of exhaustion.

The Aphides make their appearance early in spring. The number in each family, and the time required for the maturity of its members, vary with the temperature and the supply of food; but on an average it may be safely assumed that there are a hundred Aphides in a brood, and that a newly-born Aphis requires not much more than a fortnight to attain to full propagative capacity. During the warm months, therefore, thirteen or fourteen broods may be reckoned upon, and supposing all the young to come to maturity, the number of Aphides which may thus proceed from a single ancestor is past all conception. We might calculate it mathematically for the reader, but he will gain just as real a notion of the quantity, and save our type, by imagining for himself a unit followed by some inches of ciphers. Surely there is something almost touching in the consideration that all the mighty hordes which we see swarming over our rose-trees and geraniums, our orchards and hop-gardens, are orphans—orphans too of so peculiar a kind that they not only have no fathers, but never had any. Nothing, however, can be better established than the fact. Subsequent observers have repeated Bonnet's experiments with results in all essential respects the same. They have obtained a large number of successive broods; and one of them, Kyber, has even shown that if the supply of warmth and food be kept up, agamic reproduction will go on for two or three years without a symptom of diminished energy. More than this—the researches of the numerous excellent naturalists who have of late years applied themselves to the investigation of the lower animals have brought to light a great number of parallel cases, not only among other insects, but in other divisions of the animal kingdom and in the vegetable world; so that there is now a large and compact body of evidence all tending to show that "*Lucina, sine concubitu*," the favourite

miracle of a past age, is among many living beings an orderly and normal occurrence.

There is, for instance, a plant—the *Cælobogyne ilicifolia*—discovered at Moreton Bay, in Australia, some twenty years ago, and thence sent to the Royal Botanic Gardens at Kew, where it has grown and flourished, and may be seen in full vigour. Like the rest of the order (*Euphorbiaceæ*) to which it belongs, the *Cælobogyne* is dioecious—that is to say, the stamens and pistils are not only situated in different flowers, but these flowers are borne by distinct plants. The pistil-bearing or female plant is the only one which has hitherto been discovered, and yet, year after year, the *Cælobogyne* has formed its fruit and fertile seeds to all appearance as well as if its stamiferous mate were blooming in the next parterre. Nor must it be supposed that the vagrant pollen of some nearly allied plant has, in this case, been substituted for that of the lawful partner. The seedling *Cælobogyne* exhibits no trace of hybridism, and microscopic investigation shows clearly that the seed has been formed without the influence of any pollen.

The isolated female *Daphnia*, or "water-flea," produce brood after brood of young; several kinds of butterflies have been observed to be endowed with the same marvellous faculty; and the remarkable observations of Von Siebold have, it would seem, established the fact, that, among bees, the drones are always produced from eggs which have been subjected to no influence but that of the maternal parent. These facts so obviously tend to bring the masculine sex into contempt—as at most an ornamental excrescence, and by no means an essential ingredient in the order of nature—that we almost wonder they have not been seized upon and turned to account by some of the strong-minded. The doctrine of "no paternity" might appropriately find a place beside that of "free maternity" already advocated on Transatlantic platforms by masculine females—probably transmigrated Aphides. But, in truth, the argument would be somewhat one-sided and its application hasty. Even among the blight-insects, nature, with all her aberrations, shows a fondness for old fashions. True it is, that the Aphis born in spring may give rise, in vestal seclusion and innocence that cannot fall away, to countless millions of winged or wingless successors. True it is, also, that, under favourable circumstances, there would seem to be no limit to the continuance of this mode of reproduction. But it is no less certain that, under ordinary conditions, as the cold weather approaches, or as food falls short, broods of males and ordinary females are produced. While the viviparous Aphides were either winged or wingless, these true females (with possibly an exception) never possess wings and never bring forth living young, but lay eggs, and then, like the males, die. The eggs, hidden in cracks of the bark of hardy plants, or protected by the covering scales of their buds, pass through the winter in security, and when the returning warmth of spring rouses their latent life, they are hatched, and give rise to the viviparous agamic young. Thus, under ordinary conditions, the Aphides pass through a sort of cycle of changes. The egg hatched in the spring produces either winged or wingless forms, which give rise spontaneously to either winged or wingless living young. This process is repeated, without known limits, until the temperature or the supply of food falls below a certain amount; then oviparous, wingless females, and winged, or wingless males are produced, and give rise to eggs, like those in which living beings in general take their origin.

That separate individual existence which we call a man or a horse is the total product of the development of a single egg. If we are to apply the term "individual" with the same meaning to the Aphis, then all the millions which are developed from one Aphis in the course of a spring and summer are, in physiological strictness, but the equivalent of a single man or horse. They are, so to speak, independent fragments of the one physiological individual; and when we look closely into the matter, we find that these independently-existing fragments are developed in precisely the same way as those portions of an organism which always remain connected together. The germ of every living being is a mass without distinction of parts; and all that we term organs, limbs, viscera, leaves, flowers, and so forth, are produced by the budding of this mass, and the gradual modelling of the buds into the form required.

In the highest animals and plants the various buds remain united—the co-operation of each being more or less necessary to the efficient action of all its fellows; but in the lower forms of life, whether vegetable or animal, no such "natural piety" unites the parts of the germ, or even of the adult; and hence portions of its substance may become detached and assume an independent life. Thus portions of the tissue of the Liverwort, or of the bulbiferous lily, grow out and eventually separate themselves as free organisms. Thus the common fresh-water polype thrusts forth from the walls of its body processes which become new and independent Hydrea. But these independent buds are in no respect, save their separation, distinct from those which, united together, form the tree or the branched zoophyte; and a long series of insensible gradations connects those organisms whose components, as in the zoophyte, are united by the slightest tie of interdependence with those whose constituent buds are wholly incapable of continued separate existence.

The apparently anomalous reproduction of the viviparous Aphis reduces itself to a case of budding. In the terminal chamber of

the tubes which, in the viviparous form, represent the ovary of the true female, bodies precisely resembling young ova are contained; and these, becoming successively detached, gradually develop within the body of the parent into young Aphides, which are eventually born alive. The process is precisely similar in principle to that by which the bud of a plant is developed, and, as in the plant, requires for its completion nothing but warmth and nourishment.

So much the microscope and the scalpel reveal to us in all cases of agamogenesis—in all, the young animal is formed by budding from the old. But if the question is asked, why certain animals and certain parts of animals possess the power of giving rise to such buds, and others do not, physiology is silent. The most careful scrutiny of the rudiment of the egg in the oviparous Aphid fails to detect any difference between it and the germ of the young of the viviparous Aphid; but there is nevertheless a strong constitutional tendency, if it may be so called, impressed on each, and impelling it to a widely different course from that followed by the other. The one, as we have seen, spontaneously passes into a living young—the other increases in size, but otherwise remains almost unchanged, except by becoming enveloped within a hard case, specially perforated for the admission of the one element which is wanting to its activity. Bring it into contact with that element, and it will by-and-bye become a young Aphid—leave it to itself, and it will eventually be resolved into its constituent particles. Truly this is a marvellous difference, but not more wonderful or more mysterious than that which obtains amidst the homogeneous elements of the germ itself, and which determines that, of two masses undistinguishable by any test which we can apply, one shall become a brain, another a liver, and another a heart. When physiologists have found an explanation for these common and every-day phenomena, they may try their hands with some chance of success upon such secrets of nature as Agamogenesis.

In the meanwhile, let us rejoice in the vast field of inquiry opened up for us by the reverent investigation of one of the humblest and lowest of created things; and let us candidly acknowledge that there was method in the madness of the French *savans*, when he proposed to call the decennium marked by Bonnet's discovery "l'Epoque des Pucérons."

THE LYCEUM THEATRE.

IN spite of a firm conviction that a certain principle is right, we may sometimes meet with extreme cases which almost tempt us to regret the universality of its application. Of such collisions between the feelings and the understanding the German dramatists of the Kotzebue school made frequent use, and the doubtful morality of some of their productions is the natural result. Highway robbery should be severely punished; but we are commanded to behold a son plundering a wealthy stranger in order to support a dying mother. Infidelity in a wife is unpardonable; but we are made to see a particular wife whose one fault is followed by years of contrition and virtuous activity. Let these cases be artfully put, and though the head is perfectly clear as to the correctness of the rule, the heart readily becomes a sophist in favour of the exception.

There is no doubt that theatrical free-trade is so firmly established in this country, and is so perfectly in accordance with our whole system of thought on matters connected with commercial enterprise, that the slightest attempt on the part of a Government either to confer exclusive privileges on one particular theatre, or to specify different classes of entertainment for different managers, would appear not only outrageously tyrannical, but absurdly illogical. The opinion that the stage is an important agent in the moral and intellectual cultivation of the people, though strongly expressed at theatrical dinners and other histrionic *réunions*, is so far from being entertained by the English people, that even among professed patrons of the drama many will be found who consider that their predilection, innocent as it may be, is scarcely laudable; while a vast multitude remain firm in the conviction that the theatre is simply a tolerated evil, which would totally disappear in a more virtuous state of society. The moral value of the stage, therefore, would furnish no argument in favour of its recognition by the Government as an object of especial favour or exceptional superintendence, beyond that implied in the censor's office. A theatrical manager can be regarded as a commercial speculator only, and there is no reason to devise regulations that will distinguish him from the rest of the trading community.

The principle, then, of theatrical free-trade is one that, in the present moral condition of the country, cannot be controverted, and even those who believe that it is ethically unsound, have little doubt that it is practically irrefutable. Nevertheless, cases not unfrequently occur that, in spite of our better judgment, make us sigh after another order of things which would prevent some of those grosser absurdities that are the inevitable result of the present system. Such a case may now be found at the Lyceum Theatre, which has been recently opened by Mr. George Webster, nephew of the Adelphi manager, who, however, has nothing to do with the enterprise. At this establishment, Mr. Ira Aldridge, a coloured tragedian, who during a period of some five-and-twenty years has acquired in the unfashionable suburbs as much fame as they are able to bestow, and has received from German sovereigns and jour-

nalists such honours, in the shape of gold medals and laudatory critiques, as none but Germans would ever dream of conferring, is at present the "star." His performance of Othello is not open to violent objection, but is just of that order that, if he had been an ordinary white man, it would not have been remembered a month. Careful, but not uniformly correct elocution, a certain talent for representing with delicacy the softer emotions, a total incapacity to give a semblance of reality to the stronger indications of passion—these are the attributes of Mr. Ira Aldridge; and they might be predicated with equal justice of scores of actors who begin as "stars" and end as "utilities." Mr. Ira Aldridge is, however, fairly entitled to the interest which attaches to his complexion. If he does not astonish the dramatic connoisseur, he is at any rate a living "fact" for the philanthropic ethnologist, who may plausibly argue that a race which produces such a respectable Othello cannot be stamped by nature with the mark of inferiority. At the end of *Uncle Tom's Cabin* Mrs. Stowe has placed a list of remarkably clever and pious blacks, as a tolerable proof that two branches of the human family are not so utterly different as persons interested in establishing a distinction would have us believe. On such a list Mr. Ira Aldridge might righteously figure, especially as a certain gentlemanlike unobtrusiveness, a freedom from ordinary stage vulgarities, may be enumerated among his commendable qualities.

Granting, however, all the interest that Mr. Aldridge's Othello, ethnologically considered, is capable of inspiring, it is still insufficient to leaven the dulness that pervades the general performance of the play at the Lyceum. There are in and about London a considerable number of actors, who, without talent to earn a high position at any permanently established theatre, know enough of stage-routine to perform at the shortest notice in any stock play of the English repertory. To actors of this kind the more popular plays of Shakspeare are familiar as a matter of course, and thus whenever a manager resolves on a "legitimate" freak, he is sure to find a company ready to assist him in his enterprise. When the company begins to work, the result is such an exhibition as we at present see in Wellington-street North.

Under the old patent system, a performance so far below the level of mere mediocrity would scarcely have been possible, though now it fairly represents the style in which tragedy is generally played when produced by a manager who does not make the representation of the higher class of drama the serious purpose of his life. When, therefore, we see how a conscientiously executed work like the *Merchant of Venice* at the Princess's Theatre is exposed to a sort of spurious competition with the abortive attempts at "Shakspeare" which any one who takes a vacant playhouse may be pleased to make, we cannot help perceiving that, although the principle of theatrical free-trade is in accordance with our reason, it may be sometimes in strange opposition to our sentiments.

REVIEWS.

THE AGE.*

MR. BAILEY is known as the author of a long poem which many persons of more or less pretension to literary taste have supposed themselves to admire. It may be doubtful whether *Festus* has ever been read through; but the conscientious student who penetrates into the middle of the book may not unnaturally blame his own dulness for his conscious inability to remember an incident, a thought, or a phrase in a narrative which seemed to convey a kind of philosophical meaning in language by no means careless or unrhythmical. Mr. Bailey evidently possesses considerable ability, untiring industry, and the honourable ambition of cultivating the higher branches of literature; and if he has mistaken bulk for greatness, and rhetorical declamation for poetry, the mistake is too common and intelligible to require severe critical censure. Mr. Aytoun has exposed in a clever parody, called *Firmilian*, which is at the same time a serious imitation of the original, the characteristics of the spasmodic school of poetry, as he happily designates the class of compositions of which *Festus* is the most successful example. The theme of Faust and Mephistopheles admits of infinite variations when the dramatic elements of both characters are eliminated to make room for interminable dialogues carried on in the course of purposeless journeys performed within or without the regions of space. The modern Faust, from Mr. Bailey down to Mr. Alexander Smith, is always a gloomy metaphysician, and generally an unappreciated poet. The accompanying Mephistopheles or Lucifer, gifted with endless loquacity instead of his obsolete horns and tail, is generally the most innocent and the most intolerably tiresome of all imaginable devils. Writer, reader, and interlocutors wander for ever as in the mazes of a dream when the sleeper tries in vain to remember the terms of a conundrum with the more remote ambition of ultimately deciphering the answer. There are many judicious remarks scattered through the pages of *Festus*, and the versification bears evident signs of creditable scholarship and care; but when the vessel is finally engulfed in the waters of oblivion, the whole will go down like a lump of lead, without leaving any

* *The Age*: a Colloquial Satire. By Philip James Bailey.

lighter fragments on the surface to preserve the memory of the wreck.

The approval which is willingly bestowed on Mr. Bailey's more serious work cannot be extended to his new publication, which, to judge from its title, and from a portion of its contents, is apparently intended to be facetious or amusing. The words of Mercury are harsh after the songs of Apollo, and the critic is consequently inclined to apostrophize the satirists in the simple formula, "You that way, we this way." His seeming discourtesy will probably be attributed to resentment against the personification of his craft in the book with which he desires to part company; for the *Age* purports to be a long rhymed conversation among three undistinguishable literary characters, who appear by the headings of the various paragraphs to bear the several titles of *Critic*, *Author*, and *Friend*. A cursory inspection leads to the conclusion that *Critic* is the least dull and *Friend* the most jocose of the party; but the dramatic character of the composition seems to be founded on the necessity of taking breath after a certain number of long-winded sentences. As soon as one speaker pauses for a moment, the next proceeds with the same oration, leaving the courteous reader or the satirized world to support the other side of the argument.

The plot of the work is simple, but at the same time obscure. *Critic* and *Friend*, waiting for a train to take them into Kent, receive a call from *Author*, who, as a poet with a manuscript in his pocket, is naturally bitter against certain reviewers, who it seems live in the Strand, and happily not in the adjacent region of Southampton-street. Finding that they have still two hours for talk, the three satirists proceeded to make the most of their time. But Mr. Bailey commits a serious error in his estimate of human volubility. The satire consists of more than 4800 lines, and consequently the censors of the age must, before the cab was at the door, have delivered themselves for two entire hours at the rate of 40 lines a minute—a feat which any curious reader may ascertain by experiment to be difficult, if not impossible. The fiction can only be reconciled with nature by the paradoxical assumption that all the philosophers spoke at once, although the reporter has recorded their remarks in succession. It must be admitted that the arrangement may not have been injudicious, and even if the dialogue had been published in the corresponding form of a palimpsest, posterity would scarcely have troubled itself to search for the wit of *Friend* under the obliterating wisdom of *Author* or of *Critic*.

The subject of the satire, if satire it be, may be described as things in general. The poem which is the ostensible matter under discussion is judiciously set aside until *Critic* eventually takes it away in his pocket to read in the train. The conversation, thus relieved from the threatened incubus, wanders to every commonplace topic which occurs. One of the party having seen the *Leviathan*, remarks, with true colloquial felicity of rhyme, but with the hyperbole characteristic of genius, that

her hull is higher than
The masts of most ships.

A few minutes afterwards the same brilliant imagination suggests a new topic by the sudden suggestion—

Then there's the Ballot. *Critic*. Ballot has its partisans,
The favourite makeshift of some timid artisans,
Who form, although a most important class,
One only segment of the social mass.

So England's liberties, already got
By open vote, we will to change it not.

Sydney Smith once attempted to ridicule the ballot, but his humbler ambition was contented with prose; yet it may be remarked that Mr. Bailey's satire, however polished and scathing, is certainly not colloquial. The most deeply involved metaphor in Shakespeare is as much like common conversation as the phrase "we will to change it not," which is introduced for the unsatisfactory purpose of rhyming to "got." In the next page there is an attack on Mr. Carlyle and those who hold that

for all social schism
The cure is a good grinding despotism;
And that some all overbearing will must be a,
For all diseases, politic-panacea.

This may be rhyme after its kind, and reason of a certain sort, but it is not especially familiar or idiomatic. The ambition of exciting a laugh by odd and unexpected rhymes can scarcely be combined with the highest order of art, but the humour and ingenuity of which the process is capable were carried to perfection by Lord Byron. From beginning to end of Mr. Bailey's voluminous composition there is not a single contortion of language which could produce the faintest smile. The satire is colloquial only in the sense of being bald and disjointed, without any approach to conversational ease. The poetical model which it aims with imperfect success to copy is furnished by the burlesques which were once popular on the stage, where they may possibly still find a place at Christmas and at Easter. The dignity of literature, and perhaps natural inaptitude for a low species of wit, prevent Mr. Bailey from ornamenting his composition with the far-fetched puns which alone rendered the text of his theatrical originals endurable to the less squeamish portion of the audience.

The poet's threefold mouthpiece takes, on the whole, a temperate and candid view of political and social questions. *Author*, *Critic*, and *Friend* agree that the Indian revolt must be put down;

but they are of opinion that, in the accomplishment of a bloody task, it is not desirable to say much about religion. As *Friend*, not very conclusively, observes:—

Of all conceits mis-grafted on God's word,
A Christian soldier seems the most absurd.

A Christian soldier's duty is to slay,
Wound, harass, slaughter, hack in every way.
These men, whose souls he prays for night and day—
With what consistency let prelates say.
He's told to love his enemies—don't scoff;
He does so, and with rifles picks them off.

The mild satirists evidently belong to that large class of theologians which holds that religion is only applicable to a world in its Sunday clothes. War may be right and necessary, but Christianity only recognises peace; and when the drum beats, it is as well to lock up the Bible, for the same reason which might induce us, under another dispensation, to draw a veil now and then over the faces of the gods.

The Chinese question, on which the three philosophers hold with the majority of the late House of Commons, and the demand for a Channel fleet, give occasion for a strain of livelier banter:—

There is our fine old tar, we often meet,
Who every year so dreads the French will gobble us,
And says, "I only ask you for a fleet!"—
Like Belisarius begging for an obolus—
"Five millions down, armed men, and spirits neat."
If he expects it, well, he's rather sea-green;
There's Yeh, and mild Sir John, both now quite tea-green;
Friend. And there's yourself, you certainly are pea-green.

Friend, as it was remarked above, is undoubtedly the wittiest of the three, and his superiority is plainly proved by the *argumentum ad hominem* or *tu quoque*; but if this is satire, some new title of harmlessness is required to designate the unoffending twaddle of ordinary life. Milk-and-water is a wholesome and innocuous beverage, but it is not fair to label it as vinegar or ketchup. Another satirist, however, remarked long since that gentle dulness ever loves a joke.

Notwithstanding their protest against Mr. Carlyle's supposed doctrines, the colloquial club supports the cause of Louis Napoleon against the "wiseacres" who wonder—

How a system so ill fortified,
As but to have the people on its side,
The army and the clergy, does not fade
Before a Q. C.'s scurrilous tirade,
And traitors who on treason try to trade.

Johnson and Boswell used to discuss the question whether ridicule was the test of truth; but the preliminary inquiry, What is ridicule? might have proved still more perplexing. On the whole, it is most convenient to assume that the cause which is denounced in a colloquial satire must be in itself ridiculous.

In one of his soberer moods, *Friend* supplies *Author* with a list of ancient and modern classics who are to be studied before a poet ventures on publication. There was perhaps no absolute necessity for going down from—

wise Sophocles,
Pathetic, politic, Euripides,
Moschus, Bion, Theocritus, and all—
They are but few—whom minor bards we call,

to Virgil, Ovid, Juvenal, "Persius, not too plain," Catullus and Tibullus, and the third—

Propertius.—*Critic*. In-Propertius I have heard
Suggested as the more appropriate word.

But it may be useful to be reminded to—

Read Voltaire's *Hewriade*; not sublime, I own,
But, *au contraire*, the neatest epic known.

Friend is comprehensive in his literary tastes. Amongst other English authors, he says—

Read Dryden, Pope, Swift, Prior, Churchill, Gay,
Each one a master in his several way.

Be Merriek, Shenstone, Byron not despised,
And Barbauld's pious raptures duly prized.

Blair, Beattie, Macon, Southey, Coleridge, Moore,
Burns, Campbell, Crabbe, and Scott I named before.
Rogers, Keats, Shelley, Byron, Wordsworth, Hogg,
Names uncontested, close my catalogue.

A poet of the last century anticipated Mr. Bailey's literary catalogue in a passage of which the only surviving couplets might with great advantage be incorporated in the modern masterpiece:—

Read Phillips much; consider Milton more,
And from their dross extract the pure ore;
Let Perspicuity o'er all preside,
So shalt thou be a nation's joy and pride.

Phillips's poem on *Cider* deserves mention as well as Mrs. Barbauld's nursery hymns.

The list of historians is not less complete and valuable; but the student is recommended to refer to the brilliant original. Of novels, it is enough to say that—

The noblest character in modern fiction
Is in *My Novel*, past all contradiction;
The princely refugee, I mean, named Riccabocca,
Who must e'en please, if not dried up, the *Kickerbocker*.

The felicity of the rhyme enhances the value of a compliment which proves that the fiercest of satirists will sometimes bow to the supremacy of genius. Sir E. B. Lytton may well be proud, even at the cost of a metropolitan eccentricity of pronunciation, to be praised by an admirer, a *laudato viro*, who himself deserves all admiration; but any rival eulogy addressed to Mr. Bailey himself would, to imitate his own poetical language—

be flatter
Than even *The Age*; a new Colloquial Satire.

SIR THOMAS BROWNE.*

PERHAPS the rashest of all the rash assertions which disfigure Mr. Buckle's *History of Civilization in England* is one which refers to Sir Thomas Browne. He is described as a man who began by being in the highest degree superstitious, but who, in the years which elapsed between the publication of the *Religio Medici* and that of the *Enquiry into Vulgar Errors* (which coincided with the civil wars), was converted by the spirit of the age to a healthy and laudable scepticism. In an article upon Mr. Buckle's book which does not appear to us worthy of the subject, the *Quarterly Review* pounces with delight upon this unfortunate remark, and uses it to prove that Mr. Buckle does not read the books which he quotes. Sir Thomas Browne, says the Reviewer, is not only equally credulous upon the subject of spirits and witches in each of his books, but after the publication of the second he gave evidence on the famous trial of witches at Bury, before Sir M. Hale, and greatly contributed thereby to the conviction of the prisoners. No doubt the critic is entitled to the credit of having discovered a very serious and very characteristic mistake in the book which he reviews, but we think he has failed to see its true bearing upon the question of the credit to which Mr. Buckle's statements are entitled; and whether he sees it or not, he does not show how the facts to which he refers illustrate the character of Sir Thomas Browne. With respect to the first point, our opinion, expressed long since, is that it is equally impossible to impugn Mr. Buckle's learning and to defend his discretion. He is extremely learned, very positive, and excessively crotchety, and it is creditable to contemporary criticism that in most cases the main propositions of his book have formed the subject of discussion, whilst the errors of detail with which it abounds have been passed over with a slight and general notice, or with a small number of references and illustrations. The second point—the character of Sir Thomas Browne and his writings—we propose to discuss somewhat more fully. Mr. Buckle appears to us to have entirely misunderstood the character of a most remarkable man—a character which, as we think, underwent no essential change during the interval which is alleged to have been so critical, and which in our own age it is most desirable to understand.

Few remarks have thrown more light on Sir Thomas Browne's character than one which is made by Coleridge—we think in his *Literary Remains*. He says that, if he believed in the doctrine of the transmigration of souls, he would be inclined to imagine that his own soul had once inhabited the body of Sir Thomas Browne. We should add to this remark the observation that it had to some extent both deepened and narrowed in the change. Notwithstanding a certain timidity and obscurity which greatly weaken their effect, Coleridge's theological and metaphysical speculations have profoundly influenced the minds which have acted most powerfully on the present generation. Men so widely different as Dr. Arnold, Mr. John Mill, Mr. Maurice, and Dr. Newman, all have shown the marks of his influence; and they have in some degree owed to it a temper of mind which is constantly found in the present day in company with opinions not only different from, but conflicting with, each other. It is a temper which might well have been derived from Sir Thomas Browne; but his "strange, irregular head," as he calls it himself, did not exert the same influence over his contemporaries as that of Coleridge, though it addressed itself with great power to a large range of subjects of which Coleridge was ignorant. The *Aids to Reflection*, the *Literary Remains*, and the *Confessions of an Enquiring Spirit* closely resemble the *Religio Medici*; but there is nothing, so far as we know, in Coleridge's works, which can be in any degree compared to the treatise on *Vulgar Errors*.

The temper to which we have alluded cannot easily be described by any single name, and indeed in different minds it manifests itself in very different ways; but it arises from, and depends upon, a consciousness of the connexion between our knowledge of things which do and of things which do not fall within the range of scientific observation. There are writers in the present day who expressly maintain, and there are others whose works appear to imply, that questions which, as far as our experience goes, appear to be insoluble, ought not to be allowed to exercise any influence whatever over our conduct, but should be studiously dismissed from our consideration. There are others who, whilst well aware of the enormous obscurity which hangs over all the problems which lie at the root of theology and morals, maintain that, in spite of this obscurity, men must take some views of these subjects, and must, in forming those views, exercise their reason to the best of their ability on the very incomplete materials at their disposal. The ordinary run of people

who handle such topics have no real conception at all of their difficulty, and suppose that their own special circle is in possession of the key to them. Sir Thomas Browne's two principal works appear to us to afford an excellent illustration of the fact that there is nothing necessarily unphilosophical, or otherwise absurd, in the position of those who occupy the second of the three positions which we have indicated; and it may be interesting to point out how that which has been described as his credulity was not only not opposed to his science, but was, so to speak, a development of it in another direction. Our readers are no doubt acquainted with the strange mixture of gravity and something like humour with which, in his *Religio Medici*, he dilates on the text *credo quia impossibile*; and we need not quote instances of the shrewdness with which, in the treatise on *Vulgar Errors*, he brings received opinions of various kinds to the test of experience. The important observation is, that the contradiction between these states of mind is only superficial. There is in reality the strongest connexion between them, for each of them arises out of a very natural view of the character of the knowledge which we possess upon what have been distinguished as matters of faith and matters of reason. It is in respect of the former alone that the difficulty exists; and we think that a little consideration will show clearly that the view which Sir Thomas Browne took of them by no means deserved the name of credulity, and that it was a view which might well be taken by a mind of great scientific power, and which minds of that order are naturally inclined to take, and have in point of fact frequently taken down to the present time. It is very material to have a clear view of this subject, because there is a wide-spread disposition in the present day to regard the theological and the scientific tempers as essentially opposed to each other.

Science, strictly so called, is nothing more than classification. It is a mere arrangement of a vast number of facts under certain general heads or formulas, which are usually, by a very delusive and objectionable metaphor, described as laws; and all that science, in this sense of the word, enables us to do is to predict events by attending to the general expressions thus ascertained, or—to adopt the common language—to bring particular cases under general laws. It is thus obvious that the questions which are capable of scientific treatment are not unlimited. Science gives us nothing but facts, and orders of succession. It tells us that, under certain circumstances, bodies move in certain directions, and with velocities which bear a certain ratio to their distances from each other and from certain points between them. It tells us that the human body consists of parts which bear certain relations to each other, and which discharge various functions with different degrees of vigour, according to certain ascertainable circumstances. It tells us that the earth is composed of materials disposed in a certain order, and implying the succession of a variety of different conditions of existence, separated by enormous intervals of time; and it gives us a vast mass of information upon a thousand other subjects, which, however, always falls into analogous forms. It is obvious to any one accustomed to accurate thought, that, vast and various as this kind of knowledge is, it is essentially limited. There is an enormous range of subjects respecting which an increase of scientific knowledge makes numberless suggestions to all but the vainest or most sluggish minds, but as to which it neither furnishes, nor has any tendency to furnish, any sort of solution whatever. It has often appeared to us probable that the endless and apparently hopeless character of the Nominalist and Realist controversy arises from the fact that the disputants speak not only of different things, but of different orders of things, both of which may very possibly exist. The Nominalist, in this view, would be supposed to direct his attention to phenomena—to our conceptions of objects—whilst the Realist addressed himself to the substances which those conceptions represent. That such substances may possibly exist the most hardy Nominalist would probably not deny. He would only contend that our knowledge of them is entirely limited by our conceptions. Science, and that which lies beyond science, whatever it may be called, occupy positions precisely analogous to Nominalism and Realism, so considered. Science classifies phenomena, and indicates the order in which they succeed each other; but when they are classified, the mind is not satisfied, and in our opinion ought not to be satisfied. True it is that the heavenly bodies move in a certain order—true it is that they occupy at successive periods of time positions indicated by a formula which is called the law of gravitation—but what is the *why* to this *how*? Gravity, in a scientific point of view, is the mere name of a phenomenon, indicating in general terms the positions which the planets will successively occupy; but is there any real force which impels these bodies, and, if so, what is it? Is it a self-subsisting ultimate fact, or is it produced by something else? That must be a very dull mind to which science does not suggest this and thousands of similar questions; but it has never solved, nor shown the slightest tendency to solve, any one of them. It is, we think, indisputable that science deals only with formulas, or laws, as they are called; but it does not refute, still less does it destroy, the idea of causation; and the more exact and comprehensive are the formulas which it frames, the more irresistible does our curiosity become as to the cause of the facts which the formula enables us to predict. People may be content to rest on the fact that, if they take an emetic, it will make them sick; but when they are told of some vast principle which pervades the whole material universe, as far as we can judge, it is impossible not to seek to carry matters back

* Works of Sir Thomas Browne.

a step further, and to attempt by analogy and conjecture, since science will not aid us, to assign some cause for this arrangement, on the existence of which the mind can to some extent rest satisfied.

It is not in one department of science alone that these windows are opened into a region which lies above, beyond, and around experience. Suppose our knowledge of human nature enlarged to such an extent that we could foretell the thoughts, feelings, and actions of any given human being, human nature would still be the same. It would still present the phenomena of will and conscience; and as astronomy does not answer such questions as these, How came the stars where they are? what is the meaning of this marvellous march and order? why does matter attract other matter? so metaphysics, even in that ideal state, would not answer the questions, What am I? whence do I come? whither do I go? what is this will which, though you foretell its actions, still originates my acts? what is this conscience which still continues to approve or to blame the acts which you foretell? To us it appears that the fearful and wonderful structure of the soul would appear more, and not less, fearful and wonderful if the fiat of conscience, the sensation of will, and the sentiment of moral responsibility were felt and even demonstrated to co-exist with foreknowledge on the part of other human beings of the conduct of a given individual. Suppose we could predict infallibly that a given man would commit a given crime on a given day, that he would feel fearful remorse, and that we should inflict terrible punishment upon him; would not the fact of the prediction deepen the awe with which we at present regard conscience, will, and responsibility, and increase instead of diminishing our anxiety to assign some cause for their existence, instead of contenting ourselves with the mere fact that they do exist? We do not hesitate to express our conviction that a very important part of the value of science is that it raises these reflections in a sober and orderly manner, and that it can only raise them in minds which have been, at least to some extent, previously fortified by its own discipline.

Imperfect as Sir Thomas Browne's science may have been in many respects—and it is evident that his mind was deeply imbued with the philosophy which tries to solve questions about things by tricks played with words—it is abundantly clear throughout each of his great books that the double conception of that which is subject to, and that which lies beyond, the province of science, lay at the root of all his speculations, and, in fact, supplied the clue by which they were guided. Near the beginning of the *Religio Medici* he draws a distinction between the provinces of faith and reason, which we notice, not in order to discuss its truth, but because it affords a strong analogy to the distinction which we have attempted to point out between the province of science and the province of that which is quite as necessary as science—conjecture and probability. We need not say that the belief by which he, like the vast mass of mankind in the present day, tried to solve the mysteries which the world, viewed scientifically or not, presents to every human creature who looks at it, was a belief in God and in the various spiritual influences by which Christians believe heaven and earth to be united. It is quite absurd to say that, in its principle, this belief conflicted in any way whatever with his belief in or prosecution of science; and his books show, perhaps as clearly as any others that could be mentioned, that the two lines of thought are so far from being conflicting that they are mutually complementary. In that vast range of subjects which, as we have already observed, are indicated but cannot be explored by science, Sir Thomas Browne felt that he was not an explorer, but partly a disciple and partly a conjecturer; and he delighted, after the manner of his age, in throwing into the quaintest forms the enthusiastic belief with which he followed what he regarded as infallible guides. What has been called his credulity was neither want of power of mind nor want of shrewdness of observation—it was nothing more than the fault of an ardent temper, which unduly and unwarily enlarged the limits within which conjecture and probability are our only guides, and narrowed those in which we have facts to guide us. When he gave his evidence against the Suffolk witches, he was not guilty of any want of scientific acuteness. He mistook the province to which the facts before him belonged; but can it be seriously contended that Sir Thomas Browne's position as a man of science would have been higher if he had never entertained the principle which led him to believe in witches? Would the treatise on *Vulgar Errors* have been a greater book if its author had never written—"I love to lose myself in a mystery, to pursue my reason to an *O altitudo!* . . . I can answer all the objections of Satan and my rebellious reason with that odd resolution I learnt of Tertullian—*Certum est quia impossibile est.*" We do not believe it in the least degree. It appears to us to be as certain as any such criticism can be, that in common with most of the great scientific men of his day, and with a very large proportion indeed of those of our own day, Sir Thomas Browne would have lost all his interest in science if he had disbelieved, or if he had even ignored the existence of God and of a spiritual intercourse between this world and the next. If the ultimate fact at which we arrive is a huge machine grinding on indefinitely without any moral purpose or personal author, it is hardly worth the while of a man of any life or spirit to trouble himself to take it to pieces, even though it may for the present grind out something called civilization. None of the great fan-

tions of life—neither science, nor literature, nor the active pursuits of the world—can dispense with the feelings and the imagination. Shallow people, who look only at their abuse, occasionally treat these parts of our nature as amiable weaknesses. They are, in fact, the sources of all its strength. Indeed, if they were entirely absent, all action of every kind would end, for there would be no motives to set the intellect at work, and no conjectures to guide its operations. Whatever opposition may sometimes appear to exist between the spirit of science and the spirit of theology, must arise out of ignorance and misconception on one side or the other. There is between the two a natural and indissoluble connexion, and we do not know that any better illustration could be given of the fact than that which is supplied by the writings of Sir Thomas Browne. His theological opinions, no doubt, often warped his scientific views, but the fact that he was able to write the *Religio Medici* was the very fact which predisposed him to become the author of the treatise on *Vulgar Errors*.

A TALE OF THE FOREIGN OFFICE.*

WE have no doubt that this book will disappoint a good many people. There is an apologetic tone about the preface which is suggestive of improprieties to come. There are hints that the work is unfit for publication, that it is "a wanton exposure of private affairs of some delicacy and importance," and that it exhibits "a gross disregard of the usages of good society." It is simply from a feeling of duty, and not from any hostility to Mr. Wikoff, or any desire to injure the circulation of his book, that we declare it to be, as far as we can see, quite correct, and guiltless of any gross offence against public morals or decency. No doubt his intentions were the best; but any impropriety which he has contrived to introduce is of so very innocuous a description that his delicacy on the subject is almost on a par with that of his fair compatriot who made pantaloons for piano-legs. It may be ungracious thus at the very outset to deny the existence of that element which the author obviously considers to be one of his principal charms, and to proclaim his failure in a matter upon which he evidently piques himself; but such considerations cannot be allowed to interfere with the stern responsibility of the Reviewer. The truth, however painful, must be told; and in this case the truth is, that Mr. Wikoff's disclosures are perfectly fit to be read by anybody, and that those persons who have purchased the volume in the hope of regaling on choice tit-bits of scandal have made an unproductive investment. We presume that the somewhat familiar sketch he has given of his visit to Lord Palmerston at Broadlands, and the insertion of several letters, semi-official and otherwise, from the noble Viscount and Mr. Under-Secretary Addington, are the basis upon which the wanton imagination of Mr. Wikoff founds this charge against himself of indelicacy. But unfortunately our moral sense has become of late rather blunted with regard to this class of misdemeanour. Those impertinences which by a delicate euphemism we call "personal sketches," because they just fall short of being personal insults, and which form the *specialité* of certain writers among us, are now far too common to justify us in taking a severe view of Mr. Wikoff's very trifling delinquency in this respect. He may flatter himself that his conduct has been disreputable; but it would be as unreasonable for us, on that account, to give him the credit of being an eminent offender, as for a judge to transport an area-sneak because he chose to call himself a burglar. It is just possible, however, that the alleged indecency may after all exist—we say so merely to give the author the benefit of the doubt—but, if it does, either we are very dull, or his *double entendre* is very subtle.

From the fact that the present is Mr. Wikoff's second appearance within a very short period in the character of an injured individual, we incline to a belief that he has adopted that character professionally. If our assumption be correct, he may some day claim to have been the founder of a new school of sympathy-seekers; for it must be confessed that his style has many advantages over that which has hitherto obtained, and would be beyond a doubt proportionately successful. He bears the same relation to the ordinary man-with-a-grievance, that Mr. Albert Smith does to the popular scientific lecturer. Instead of commencing with "Christian friends, it has been the will of Providence," and proceeding to state his woes in a dolorous whine, he leads off with—"Ladies and gentlemen, really one of the most absurd things in the world has just occurred," and tells his piteous tale in a jocular touch-and-go fashion. He made his *début* about three years ago, as some of our readers perhaps may recollect, in a book called *My Courtship, and its Consequences*—which he now describes as an energetic effort at self-vindication successful beyond his most sanguine expectations. In that work, as in the present, he begins by an alluring apology for having been compelled to make use of private correspondence, and a flourish of regrets at being forced to write about himself; and in each case the prelude is to the contents much what the pictorial mermaid outside a caravan is to the stuffed and manufactured article inside. As well as we remember, the story of the "courtship" amounted to this:—Mr. Wikoff, being simultaneously attached to the American Legation and to Miss Jane C. Gamble, contrived between diplomacy and devotion, to pass his time very pleasantly for a considerable number of years, until at length, the former attach-

* A New Yorker in the Foreign Office, and his Adventures in Paris. By Henry Wikoff. London: Trübner and Co. 1858.

ment having come to an end, the unopposed force of the latter drew him in an evil hour to Genoa, where the object of his affections charged him with attempting to abduct her, and he was locked up at the instance of H.B.M. Consul Brown. Miss Gamble subsequently relents, and endeavours to withdraw the charge, but justice is blind, Brown is deaf, and Mr. Wikoff gets fifteen months in a Sardinian gaol. This is the substance of misfortune No. 1. Of course it gives Mr. Wikoff deep pain to have to allude to it, but what can he do? He has been refused redress, and then he has such a happy gift for misfortune-telling. Strictly speaking, it should be called No. 2, for the grievance which forms the subject of the present volume is prior in point of date. The Odyssey of foreign adventure is made to precede the Iliad of home struggles; and after reading of *Paradise Regained* in the form of Miss Gamble at Genoa, we are presented with a *Paradise Lost*, describing the author's previous expulsion from the bowers of the Foreign Office in London. This irregularity does not seem to be altogether without design. The former work served not only as a vindication and an appeal, but also as a sample of Mr. Wikoff's quality, and a hint that, as he had done to Mr. Brown and the Genoese Consulate, even so would he do to Lord Palmerston and the Foreign Office unless they came to terms with him. His complaint is in this wise. Being in Paris in 1849 and 1850 he contributed articles to the press on the American, English, and French constitutions which seem to have made some noise at the time, besides attracting the attention of his friend the Hon. R. Edwards, acting Secretary of the British Embassy. Hearing that Mr. Wikoff was going to London, this gentleman, in the most innocent way in the world, gives him a letter of introduction to Lord Palmerston, which Mr. Wikoff with equal innocence presents at Carlton Gardens. The result is an invitation to drop in at Broadlands in a friendly way. The same artlessness is perceptible in everything connected with his reception. Lord Palmerston is "vivacious and playful." "Lady P—, with a charming mixture of affability and hauteur," takes the stranger in to dinner, and the simple Mr. Wikoff guesses that he is in a pretty considerable snug location, but cannot guess why or wherefore. The mystery is cleared up in the morning:—

His Lordship walked with me from the breakfast-room into the library, when he remarked, "In our conversation yesterday your views seemed to coincide singularly with mine, as regards France and the United States; and if you have nothing better to do, what do you say to aiding me to keep the peace, for I hear you are a good deal connected with the Press in both countries?"

It need hardly be said that such judicious guilelessness on the part of the noble Foreign Secretary was met by his guest in a corresponding spirit, and Mr. Wikoff shortly afterwards received an appointment as peacemaker at a salary of 500*l.* a year. To us of the outer world, who have been taught to regard diplomacy from the Talleyrand and Metternich point of view—to look upon it as a thing of crooked ways and cunning tricks, of nods and winks and wanton wiles—it is inexpressibly refreshing to light upon a little diplomatic idyl of this sort. Here we have the ratification of a confidential pact—affecting, perhaps, the welfare of nations—concluded, not by two mysterious figures in slouched hats and cloaks over a tureen of human blood, or on a blasted heath at midnight, as the popular fancy would have it, but by an artless nobleman (who, by the way, is believed in some parts of the Continent to have cloven hoofs inside his boots) and his guest, a simple-minded American gentleman—the scene being a pleasant English country house, and the presence of lovely woman throwing an additional purity over the whole business.

To return to Mr. Wikoff. He rode forth clothed with chastity like Lady Godiva, and straightway commenced operations on the Paris press, which was at that time endangering the peace by its attacks on England and Lord Palmerston. His uniform success was as remarkable in its way as that of Mr. Rarey. By force of argument he tied up that literary Cruiser, M. Emile de Girardin, so effectually as to check his vice of lashing out at Lord Palmerston. He took the blinkers off M. Lamarche of the *Siccle*, and showed him that, in point of fact, republicanism and constitutionalism were the same thing, and that therefore a republicanism was wrong in abusing England. These triumphs do not perhaps give a very high idea of the fixity of editorial opinions in France, but at least they show where Mr. Wikoff's strength lies. He next proceeded to employ his "sawder" on the American press, but here he received a check from head quarters—first, in the form of a hint to resign, and afterwards, in the unquestionable shape of an intimation that his services were no longer required. For this Mr. Wikoff considers he has had no satisfactory explanation. Lord Palmerston, it is true, seems to have shown great willingness to meet his wishes, as far as making appointments with him would do so; but somehow the noble viscount always remembered to forget to keep them. But the unkindest cut of all was, that when involved subsequently in the Genoa scrape already mentioned he was deserted by Lord Palmerston, or at least by the Foreign Office, in his hour of need; and to his statement that he was a British official, the unfeeling answer was returned through Mr. Brown, the consul, "Don't know him."

These are the main facts of the story. They require no comment; and even if they did we should be loth to impair the effect of the short and simple annals of the poor Mr. Wikoff by expressing any opinion as to their credibility. It is a very pretty quarrel

as it stands; and with respect to the noble accused, we may say, to parody one of Mr. Thackeray's ballads—

If guiltless, how he has been slandered,
If guilty, vengeance will not fail;
For Mr. Wikoff's "riled" and "dandered,"
And means to write another tale.

At least so he threatens in his preface, where he thus declares his policy, present and future—"For my own sake, then, as well as consideration for a large circle of friends in England, I present this vindication to the public; and that my whole case may be known and fully pronounced upon, I shall follow it up with the publication of the fantastic story which reveals the secret of my imprisonment in Genoa."

It may seem heartless in such a case to say *je ne vois pas la nécessité*, but we must confess we do not see why Mr. Wikoff should take the trouble of revealing any more secrets. If Lord Palmerston chooses to engage a confidential man who has no objection to travel, and then dismisses him without the usual character and month's warning, that is their affair. The case cannot be considered as one falling within the jurisdiction of the public, which, we suspect, has very little sympathy with confidential men as a class. There is only one point on which the public is likely to feel the least curiosity, and that is, what Mr. Wikoff may be about now. When a ubiquitous gentleman with an aptitude for misfortune, an unscrupulous pen, and an abiding appetite for vindication, is at large among us—a sort of unattached Corsican brother carrying out a random vendetta—we may well feel uneasy. And then what a dangerous precedent he establishes! How does Lord Shaftesbury know that his grave confidential man, to whom he observed last Sunday, "If anybody calls—not at home," is not at the present moment preparing a wanton exposure of that and other private affairs of delicacy and importance? What guarantee has Mr. Disraeli that his "gentleman" will not exhibit a disregard of the usages of good society, by informing the public how he detected his master in the act of rehearsing the Slough speech before a cheval glass? On a smaller scale, it is true, we are all of us obnoxious to the same danger; but it is the public character that makes the fairest game for the confidential man, and if these revelations point this moral clearly, Mr. Wikoff cannot be said to have written in vain.

THE EXPECTED GREAT COMET.*

THE Catalogue of Comets presents about thirteen of those bodies which are denominated *great* or *grand*. Of these thirteen, two appeared in the seventeenth century, three in the eighteenth century, and five in the nineteenth century. The remaining three belong to the respective years 1264, 1472, and 1556. Of these the first was the comet which was regarded as a presage of the sickness and death of Pope Urban IV., and the last was actually the occasion of Charles V. of Austria abdicating his throne in favour of his son Ferdinand.

The comet of 1264 seems to have been an object of great size and brilliancy. The descriptions we possess of its appearance and course among the stars are vague in the extreme. The observers seem to have been of the Guy Mannering class, and to have relied on the eye alone for a determination of the various positions assumed by the stranger. There are discrepancies, too, in their accounts, as might be expected; but they concur in stating that the comet's splendour was greatest at the end of August and the beginning of September. When the head was just visible above the eastern horizon in the morning sky, the tail stretched out past the mid-heaven towards the west, or was nearly 100° in length.

The comet of 1556, on the contrary, was carefully charted by two great astronomers—Paul Fabricius, mathematician and physician to Charles V., and Joachim Heller, of Nürnberg. Contemporary writers describe it as "a great and brilliant star." Its apparent diameter is said to have been equal to half that of the moon, and its tail to have resembled "the flame of a torch agitated by the wind." The tail, however, does not seem at any time to have been of extraordinary length. Gemma says it was 4° only.

Of the labours of Heller little or nothing was known till lately. Mr. Hind makes no allusion whatever to that astronomer in his first publication. With the labours of Fabricius, Mr. Hind was at that time acquainted only through the medium of Lycosthenes and some other writers, in whose works "a small rough chart" of the observations of Fabricius was found:—

Lalande [says Mr. Hind, *Great Comet*, p. 33], in his *Bibliographie*, mentions a publication by Fabricius, relative to the comet, printed at Nürnberg in 1556; probably, if this work could be recovered, we might be in possession of more definite information with respect to his observations, but I am not aware that it has been found in any library; we must therefore have recourse to the chart which is given in the curious book of Prodiges, Omens, &c., by Conrad Wolfhard, better known as Lycosthenes.

Thus wrote Mr. Hind in 1848. But that painstaking and persevering astronomer did not rest content with the chart in Lycosthenes, though he could then have recourse to nothing better. He stirred up Professor Littrow, the Director of the Imperial Observatory of Vienna, who, at Mr. Hind's urgent instigation, undertook the formidable task of a search through some of the

* On the Expected Return of the Great Comet of 1264 and 1556. By J. R. Hind. Hob. 1848. *The Comet of 1556*. By J. R. Hind, John W. Parker and Son. 1857.

principal German libraries for the lost *Judicium* and chart of Fabricius. At length, success beyond all expectation rewarded Professor Littröw's praiseworthy labours, and he discovered at Vienna and Augsburg the original chart and the Latin *Judicium* upon the comet; and not only this, but he found in the Ducal libraries at Wolfenbützel and Gotha a descriptive treatise on the Comet by Joachim Heller. The observations of Fabricius extend over less than a fortnight, whereas those of Heller cover no less than fifty-three days—a circumstance which shows the supreme importance of Heller's treatise.

It has long been a favourite speculation with astronomers that the comets of 1264 and 1556 were but two appearances of the same body. With a view to identification, Mr. Dunthorne, in the middle of the last century, calculated the elements of the comet of 1264 from the data of Friar Giles's MS., and some other records. Subsequently, M. Pingré assigned elements to that comet somewhat differing from those of Mr. Dunthorne. Dr. Halley had already calculated the elements of the comet of 1556, and the result was—

That the comet of 1264 was very probably the same as that of 1556, since it appeared, after careful investigation, that the general path of the comet in 1264 corresponded well with what it should have been, supposing the more certainly observed comet of 1556 had been visible in the former year. (*Comet of 1556*, p. 5.)

Assuming this identity, then, the problem presented was this—to find when the comet will again become visible. Now the solution of this problem is fraught with an uncertainty which is independent of the assumption of identity. The returns of several comets of short period are regularly predicted with extreme accuracy; but when we come to deal with a body which occupies nearly three hundred years in traversing its orbit, the case is different, for how are we to tell that a comet which wanders to such an immeasurable distance beyond the confines of our system may not get eddyed (so to speak) by some great planet whose distance renders it invisible to us, and so get lost, like Lexell's comet? The most we can say is, that the probabilities are vastly against such a supposition. Accordingly, first Mr. Dunthorne, and secondly M. Pingré, about twenty years later, assigned elements for the orbit of the comet of 1556 which more or less satisfactorily represent that of the comet of 1264. These calculators agreed in looking for a return of the comet in 1848.

Between the years 1843 and 1847, Mr. Hind investigated the question anew, and determined an orbit for the comet more in harmony with its observed appearances than that of M. Pingré, or of his predecessors. On the basis of that orbit M. Bomme, of Middelburg, in the Netherlands, undertook and accomplished the enormous labour of computing the effect on the comet's orbit of the masses of Jupiter, Saturn, Uranus, and the new planet Neptune, and partially of the Earth, Venus, and Mars. He had already gone through this labour once on the assumption of the elements assigned by Dr. Halley, and found that the comet would be in perihelion on August 22nd, 1860. His new calculations, however, led him to a more reliable conclusion. On Mr. Hind's elements, he found that the comet would attain its perihelion distance on August 2nd, 1858.

Mr. Hind is now, we believe, engaged in superintending the rectification of M. Bomme's calculations, supposing the elements of the orbit to be deduced from Heller's observations. The results are not yet published, further than Mr. Hind's statement in the *Times*—first, that the comet is expected somewhat sooner in perihelion; and secondly, that the probability of the identity of the comets of 1264 and 1556 is increased by the knowledge of Heller's treatise. The question, then, stands thus at present—as far as our knowledge extends, the return of the comet may be expected in the present year.

What invests this problem with singular interest is the fact that this is the first attempt of any astronomer to bring to the test of experience the calculation of the return of a comet of long period. Halley's comet has a period of 76 years, or thereabouts. That is called a comet of short period. Beyond 100 years, a comet is called one of long period. If the comets of 683 and 104 be identical with the comet of Charles V., the expected visitor has an average period of 292 years.

It is fortunately unnecessary for us to speculate on the danger of our immersion in the cometic atmosphere, for six millions of miles is the least possible distance at which the comet can pass us. Still, if it should come up from the sun as frightfully hot as Sir I. Newton's speculations would justify us in expecting, its proximity even at that distance would be rather worse than a serious inconvenience. Those speculations, however, are based on the assumption of a constitution of comets which extended observations have not borne out. Professor Nichol says of one comet, that if it were to be compressed until it became as dense as atmospheric air, it would hardly occupy a cubic inch of space. If this statement be correct, there must be comets reflecting light which are not so dense as the finest artificial vacuum.

It is an old belief that sundry extraordinary events invariably accompany the appearance of a great comet. The fall of empires, the heat of summer, the prevalence of epidemics, spots on the sun, large meteors, and inordinate fertility in the human species, are among the alleged accompaniments of great comets. In the *Gentleman's Magazine* for 1818 is an article on the supposed influences of the celebrated comet of that year, in which the writer sums up thus: "Wasps were few; flies became blind, and disappeared early; a great many women brought forth

twins; and the wife of a shoemaker, at Whitechapel, had four children at a birth." Mr. Hind's last publication was written with the object of answering everyday questions on the expected comet; but his earlier tract has some scientific pretensions. Besides giving copious extracts from various records of the appearances of the comet, it contains ephemerides for the use of explorers.

On the 2nd June, at 10 P.M., Dr. Donati of Florence discovered a comet in the constellation *Leo*, of which he obtained the following approximate position:—R. A. 9h. 24' 35". Decl. + 23° 55'. This body has since been seen at the Paris Observatory; and it has been suggested that it is the long-expected comet of Charles V., which the observed course of the wanderer seems to render not improbable. The great comet was looked for under the arc of stars in the head of *Hydra*, which is not inconsistent with its being at present in *Leo*. The suggestion, however, requires further confirmation. If it be found correct, we shall probably get a view of the comet with the unassisted eye by the middle of August, or certainly in September; though, if it have not already passed perihelion, it is unlikely that it will become a conspicuous object. Nor must we be disappointed if, when it is blazing in our midnight sky, we should see no tail, or a very insignificant one. The tail is the most capricious attribute of a comet—at one visit being of vast dimensions, at another scarcely distinguishable from the coma; and at one visit the same comet may exhibit every conceivable variety of tail. In all probability we shall see no great length of tail, unless the comet be favourably placed for observation after leaving the sun.

LES LIONNES PAUVRES.*

HOW civilized society is to deal with the vices of civilization is one of the most difficult problems of the modern world. Religion is, of course, the main arm of virtue, and the efficacy of repentance is the best doctrine for sinners. But religion has the inconvenient drawback of going too profoundly to the root of evil. It is too much in earnest to be accepted as the social remedy. Civilized sinners are not prepared to have their vices absolutely extirpated. Religion does not touch them. It is something which they know all about, but which they feel little interest in. Its ways are not as their ways. But still there is a code to which they yield a fluctuating obedience. There is a conventionalism of vice. There are many things which the vicious recognise as forbidden, and there are degrees of villany from which they would recoil. They have a point of honour which they would loathe themselves if they were to violate. This morality of vice is, in its way, one of the healing influences of society—one of the agencies which preserve it from utter corruption; but it is one of which religion can take no account. Religion cannot permit a certain amount of sin in consideration of the sinner arresting himself at a particular point. And yet it is of the utmost social importance that the standard of conventional virtue should be kept as high as possible, and that every means should be taken to prevent vice sinking into utter degradation. It would be hard to say what are the precise feelings and motives to which the moralist who wishes to maintain the standard must appeal; and yet there can be no doubt that the appeal is constantly made with success. In one shape or other, a man or woman of the world feels, or is brought to feel, that a particular form of vice is ignoble and unworthy. What is the theological, and indeed the moral, value of the feeling it might be dangerous to determine. But its social value is as obvious as it is great. That persons who have not the slightest intention of leading a new life should yet be stimulated to retain their self-respect is a gain both to themselves and to all with whom they come in contact or whom their influence can affect.

Take, for example, the stage of vice delineated in the *Lionnes Pauvres*, a play which has lately attracted considerable attention in Paris, and which is written by M.M. Emile Augier and Fouscier. No one can say that if a comedy can arrest any person from descending to this stage, the effect is not in itself a good one. By *Lionnes Pauvres* are meant women who, although married to men without fortune, live in extravagance and luxury, because they induce their lovers to find funds for their caprices. These are the persons whom the writers of the comedy attack. The comedy accepts the conventionalism of vice. To adultery pure and simple it makes no objection; but when a woman at once betrays her husband and gains in money by the betrayal, she passes from vice to degradation. The lash of dramatic censure is the one thing, according to the views detailed by M. Augier in a preface to the play, which can reach this sort of offender. It can brand with shame the loss of self-respect—it can unveil the hideousness of the traffic. Here is a ground which religion cannot touch, but which the moralist who seizes the public in the hours of recreation may make his own. He can teach the required lesson plainly, forcibly, and in a manner from which there is no escape. He and his audience are all on the same footing, and he accepts as readily as they do the status of vice, and is as indulgent to an ordinary intrigue as any one can be. But there is a point where to vice is joined dishonour, and there his severity begins. He offers an occasion of reflection to all those who may be tempted by the love of display to take one further plunge, and begin to sell themselves. It must be confessed that the plunge can be taken so easily, and the temptations

* *Les Lionnes Pauvres*. Par Em. Augier et Ed. Fouscier. Paris. 1858.

to take it are so constant, that the moralist will be likely to preach in vain. Still no one can deny that it is a plunge, and that there is degradation in a woman passing from an intrigue to a bargain. Conventional vice would pronounce it dishonourable; and as all points of honour are in a great degree created and maintained by public opinion, there is no reason why a moralist should not try to form and strengthen public opinion on a point like this.

But it may be doubted whether a comedy is the proper vehicle for this sort of moralizing. It is true that we cannot pitch the morality of the drama too high. The dramatist is obliged to accept the world as it is, to paint society from the life, to use the language and subscribe to the manners and opinions of ordinary men. If he abuses one vice, it must generally be at the cost of favouring another. The hypocritical Joseph is unmasked, but the prodigal Charles is rewarded. The avaricious father is very properly stigmatized, but the young gentleman that steals his daughter is held up as a pattern of perfection. We expect when we go to a comedy to live in the region of conventional vice, but we also expect to have as little of exceptional vice obtruded on us as possible. There is an old controversy about the lawfulness of witnessing dramatic entertainments, and the only justification is that they amuse, and that in amusing they do not carry us beneath the level of customary and conventional morality. But painting extraordinary vice is not the proper task of comedies. In the first place, it fails in the primary object of being amusing. We are disgusted, not pleased or entertained, by the revelations of corrupt society given in a play like the *Lionnes Pauvres*. And, secondly, the case is too exceptional. We all understand such vices as avarice and hypocrisy. Everybody likes money, and likes to make the best of himself. And the virtues which are opposed to those vices are especially comprehensible, popular, and attractive. Liberality and frankness are qualities pleasant to see, whether in real or fictitious life. But the point of vice at which a woman begins to make money of adultery is not a broad or obvious point, having a common interest for many persons; nor is the moral category opposed to it—namely, that of simple adultery—one that claims very warm sympathy. We have before us in the *Lionnes Pauvres* a curious psychological investigation of the moral career of a certain small number of women. This is not exactly the subject for what is supposed to be a dramatic entertainment. Besides, there is always a danger in unfolding the veil which conceals the deeper stages of vice. We cannot exactly say that the particular vice aimed at in this instance is one which would be likely to suggest itself to those innocent of it by the mere fact of its being represented on the stage. But there is a tendency in society to think less of the harm of things of which it hears a great deal. The horror entertained by persons undepraved for extraordinary vice is closely connected with the silence usually preserved about it. And as all moralizing provokes a reply, there may easily grow up a crop of sophisms when a question like that on which the *Lionnes Pauvres* turns, is so publicly and definitely raised.

M. Emile Augier, in his preface, strenuously insists that official censure is incompetent to determine whether the interests of morality are injured or promoted by such pieces being produced on the stage. The *Lionnes Pauvres* was prohibited by the Paris censors, and it was only through the intervention of Prince Napoleon that it was permitted to appear. Of this M. Augier bitterly complains, and says that all the censors have to do is to see that a play contains no dangerous political allusions, and no expressions revolting to decency. The author, the manager, and the public are to determine whether the general drift of a play is good. And as the play has been successful, M. Augier considers himself warranted in assuming that the vice attacked was felt to exist really and widely, and that the attack was stamped with general approbation. But this is assuming a great deal. The manager may have simply thought that the piece would draw the public, and the public may have been drawn, not because they thought the play moral, but because they thought it immoral. We have to judge of such pieces, not by the accidental reception they may meet with, but by the general consideration of the proper sphere of dramatic entertainments. Here we think the balance of reasoning is against M. Augier. Fully admitting that it concerns morality that a distinction should be drawn and insisted on between vice and degradation, we do not think that the portraiture of degradation is within the proper sphere of dramatic art. In conclusion, we need only say, of the literary merits of the play, that its parts are well conceived, and the gradual unfolding of the plot is skilfully managed; but the language strikes us as deficient in point and liveliness, and there is a weight of sordid vice hanging over all the scenes which makes the play rather dull and ineffective to read.

CHANCERY REFORM.*

CAN anything be more dry and uninteresting to general readers than a collection of Statutes and Orders on the practice of the Court of Chancery? We think not, and therefore we shall condense what we have to say of Mr. Morgan's book into a very few words. It is a reprint of Acts of Parliament and Judicial Orders which have effected an entire revolution

* *Chancery Acts and Orders.* By George Osborne Morgan, Barrister-at-Law. Wildy and Sons.

in the machinery of the Equity Courts, accompanied by elaborate notes, in very small type, of a thousand or more decisions by which the procedure of the Court under the new system has been settled in the course of the last six years. Few perhaps of our readers will care to know that the uninviting labour of digesting these decisions has been performed with an amount of painful care and accuracy which even among lawyers is rarely met with. As a manual for the man in practice, the work is as nearly perfect as such a book can be; but its merits for the purpose which it is intended to serve—its detailed accuracy and practical condensation of style—only make it doubly repulsive to every one who has no occasion to use it in the course of business. And yet there is a kernel in it which should have a flavour for all palates when once the dry husk of legal technicality is removed. We will try to crack the nut and present it without its shell. No one can say that the removal of the abuses which so long deformed the Chancellor's Court is a matter in which he has no interest, or one that may be left entirely to the contemplation of professional critics. Every day is bringing us nearer to the time when the rigid jurisdiction of Courts of Law will be completely merged in the more enlarged doctrines which are known as the Principles of Equity. Much more extensive changes in this direction have already been made than the public in general are at all aware of, and we are now clearly at the beginning of the end.

The popular notion of the rival jurisdictions of law and equity is not a very wrong one if applied to the state of our jurisprudence as it existed only a very few years ago. On the one side of Westminster Hall, the suitor stood a good chance of being beaten by the superior technical skill of his adversary's advisers, and some of the adepts in the game of Law were in the habit of complaining bitterly if, by the even play on both sides, a cause now and then chanced to be decided on its merits instead of turning on "a beautiful point of pleading." The alternative of Equity was even more formidable to a suitor. It is true that, somehow or other, a case almost always was decided on the merits, or at least on so much of them as the clumsy way of taking evidence sufficed to bring before the Court. But long before this happy result was reached, plaintiffs and defendants had dropped off, or at least grown grey in the litigation; and when a new generation heard a judgment on their rights after years of expectation and anxiety, it commonly happened that the oyster was devoured by the greedy monster, Costs, and nothing but the empty shell remained to be divided between the unlucky litigants. The glorious uncertainty of the law, and the cruel delay and expense of equity were nothing less than a disgrace to the administration of justice. Now what has been done to remedy these evils by all the busy legislation of the last ten years? If we are to believe Mr. Dickens and the *Times*, who have laboured to perpetuate the odium which formerly attached with some justice to our tribunals, there has been no substantial change. A technical alteration here and there is all that they can recognise, and they see in the new system, as in that which it has supplanted, nothing but a complicated machinery for the encouragement of chicane, delay, and expense.

It is only by actual experience, or by the aid of dry books of practice like Mr. Morgan's, that a just estimate can be formed of the extent of the improvements effected in our Courts, and some account of the changes which have been introduced may not be useless as an antidote to the superficial descriptions with which popular writers pander to old prejudices on the subject. The theory of the Court of Chancery was that every person who had an interest, however remote, in the subject matter in dispute, should be before the Court, and that every fact connected with it should be definitively ascertained before any judgment could be pronounced. As a general rule this was right enough, but it often happened that a very small number of the parties to a suit were substantially interested in the disputed questions, and that a tedious investigation of details of accounts and facts was wholly needless to enable the Court to declare what the rights of the suitors were. Nevertheless, the rule could not be relaxed; and as men and women will marry and die, and children will come into the world, notwithstanding that they may be interested in a Chancery suit, the consequence was that in any extensive litigation new parties had to be brought before the Court perpetually in the course of the proceeding. The old system was to require a new Bill and a new answer in every such case, and thus to add continually to the delays and the costs of the suit. This was the chief source of the grievous delays for which the Court became infamous, and it has now been wholly swept away. In all cases of common occurrence, where the presence of remotely interested persons can without injustice to them be dispensed with, the new statutes empower the Court to proceed without them, merely guarding their interests by giving them an opportunity to apply within a month for any alteration in a decree to which they may object. At the same time, authority has been given to declare the rights of litigants, whenever practicable, without first investigating all the facts on which the consequences of such a declaration may depend. Moreover, a cheap and speedy procedure has been devised to replace the old cumbrous method of instituting a new suit whenever a birth, marriage, or death deranged the constitution of the original suit.

The working of these essential reforms has been very successful as regards the avoidance of delay, and has done much to reduce the expense which always must attend judicial investigations conducted by the aid of a highly-trained and

therefore highly-paid profession. We know that these assertions are often disputed by newspaper writers, and letters from "A Victim" and "Another Victim" are always forthcoming when the Court of Chancery is under discussion. Still it is the fact that the Court is not chargeable with delay, in any cases that do not involve the settling of long accounts or the continuous administration of property. Suits of a merely litigious kind may always be concluded in a few months, unless the parties or the solicitors whom they employ choose to go to sleep over their business. The notion of Chancery delay will probably never be altogether eradicated, for this reason—that a great part of its business consists not in deciding between contending claimants, but in managing property which may be settled by some testator on a succession of objects in or out of existence, who of course cannot get their shares until the time fixed by the wisdom or the caprice of the person from whose bounty their interest is derived. The Court will probably long suffer from the odium that is excited by its inability to make an infant come of age in less than twenty-one years, or a remainder fall into possession until the death of the tenant for life. It is true, also, that the administrative work, though much more rapidly performed than under the old system, might, and we hope will, be more speedily done than it is at present. Besides the changes directed to increasing the speed of the Court, very many others have now been for some years in operation, which are intended to diminish the cost of the procedure. It used to cost about 50*l.* to get an order that an estate should be administered by the Court in the simplest possible case. Under the new machinery this may be done for less than that number of shillings. The expense of adding new defendants on a death or marriage has been reduced in about the same proportion. Costly commissions to take evidence are replaced, in the majority of cases, by the cheaper process of filing affidavits. Multitudes of office copies which were formerly necessary are dispensed with under the new practice, and a severe scale of taxation has been applied to bills of costs where the amount in dispute is less than 1000*l.*

The improvements which we have noticed relate to that part of the business of the Courts which is done by the Judges themselves, but the transfer of the functions of the Masters in Chancery to Chief Clerks acting under the eye of the Judges has been even more important. In the old days, a suit never came to an end until after it had been once or twice referred to a Master to ascertain some fact, or settle some account as to which the Court required information. The Masters worked unsystematically and leisurely. Years might pass before their reports were ready on all the points submitted for their investigation. When they had finished their labour it not unfrequently happened that the Judge decided that they had been working all along on a wrong principle, and the cause was sent back to pass a second time through the same ordeal as before. The waste of time thus occasioned was perfectly frightful, and the modern Acts struck at the root of it by substituting for the Master a Chief Clerk, supposed to act under the immediate eye of the Judge. On this plan, any mistake of the inferior official could be rectified at once, instead of being made the foundation of inquiries and accounts which would prove at last to be wholly useless. This was undoubtedly the most important part of the relief intended for the suitors of the Court, whether from the evils of delay or expense. To a great extent it has been effectual, and there is no sort of comparison between the time occupied formerly in getting a Master's Report, and that which is now necessary to obtain a Chief Clerk's certificate. It is a change from years to months. But the experiment has not been entirely successful, and great as is the improvement on the old régime, there is still more delay (and delay always implies expense) than was contemplated when the new system was established by Act of Parliament. This has arisen from a cause easily understood, and which might be remedied with equal facility. The Courts are overworked. The Judges sit from ten till four, and have besides to consider and prepare their reserved judgments. This is work enough for any man, and it is no wonder that they find it impossible to give more than an occasional hour to the superintendence of their clerks. The consequence is, that the Chief Clerks have thrown upon them a great deal of strictly judicial work which they were never meant to perform, and this leads to appeals from their certificates, and a consequent increase of delay and cost. But this is not the worst. Being obliged to undertake the business which was intended for the Judges themselves in Chambers, they have no time left properly to get through that which really belongs to them. Hearings are delayed and often cut short after one hour or half-hour, instead of being taken at once and concluded as far as possible at a sitting. The old ways of the Masters are creeping over their successors, and unless the evil be checked, the Court will gradually relapse into something like its old slumbering style of procedure. There is only one possible remedy for this, and that is, to increase the staff of Judges sufficiently to enable them to devote two or three days a week to the Chamber business, which they are now compelled to shuffle off on their subordinates. Unfortunately, any attempt to move in this direction is opposed, not only by quiet dignitaries who want to let things remain as they are, but by the very persons who are loudest in the outcry against the assumed dilatoriness of the Court. If, instead of saying that nothing has been done, and casting the subject aside with disgust, these professing reformers would lend their aid to complete a great work which has been more than half done, they would do a real service to that unfortunate but numerous class

whose fate it is to be involved in Chancery proceedings. The addition to the strength of the Court, and the practical carrying out of the idea involved in the Acts which now regulate its business, would go far to abolish delay in Chambers as completely as it is already abolished in the proceedings before the Judges themselves. One other reform was wanted—not to cure the much complained of mischiefs of delay and expense, but to increase the efficiency of the Court as a means of eliciting the truth—that was the power of summoning a jury and trying questions of fact by the oral evidence of witnesses in the presence of judge and jury. This jurisdiction is given by the Bill of the Solicitor-General which has lately passed, and if liberally used, it will remove the most serious defect which remained in the practice of the Court.

In the last number of the SATURDAY REVIEW, we quoted some exhortations to bloodshed from an Indian newspaper, of which we said that it was "edited, as it seems, by a Baptist Missionary, or, at all events, by a gentleman in the confidence of Baptist Missionaries." Our remark was, as the form of the sentence shows, a conclusion from internal evidence furnished by the copies before us. The Secretary of the Baptist Missionary Society has written, however, to assure us that the editor of the journal in question is not a Missionary, "nor is he in the confidence of Missionaries, unless a more or less frequent attendance at the Mission Chapel can be so construed." The Secretary adds, that the Baptist Missionaries have frequently been attacked by the newspaper referred to.

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SYMPHONY (Jupiter) MOZART.
CANTATA (To the Sons of Art) MENDELSSOHN.
OVERTURE (Guillaume Tell) ROSSINI.
SELECTIONS FROM OPERAS, &c.
OVERTURE (Zampa) HEROLD.
THURSDAY EVENING—A MISCELLANEOUS CONCERT,
COMPRISING
THE SCOTCH SYMPHONY (In A Minor) MENDELSSOHN.
SERENATA (Composed for the occasion of the Marriage of
the Princess Royal) COSTA.
OVERTURE (Alchemist) SPOHR.
SELECTIONS FROM OPERAS, &c.
OVERTURE (Euryanthe) WEBER.
FRIDAY EVENING—A FULL DRESS BALL.

Parties requiring detailed Programmes of the Performances may have them forwarded by post; or may obtain them on or after the 28th July (with any other information desired), on application to Mr. HENRY HOWELL, Secretary to the Committee, 34, Bennett's Hill, Birmingham. J. F. LEDSAM, Chairman.

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